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ECCLESIASTICAL RECORDS

OF ENGLAND, IRELAND, AND SCOTLAND, FROM THE FIFTH CENTURY TILL THE REFORMATION:

BEING AN EPITOME OF BRITISH COUNCILS, THE LEGATINE AND PROVINCIAL CONSTITUTIONS, AND OTHER MEMORIALS OF THE OLDEN TIME,

WITH PROLEGOMENA AND NOTES.

Given to the Library of the General Theol. Seminary, N.Y. March 187

BY THE REV. RICHARD HART, B.A.,

VICAR OF CATTON IN THE DIOCESE OF NORWICH.

AUTHOR OF "MEDULLA CONCILIORUM," AND "MATERIALISM REFUTED."

by the Society for Promoting Religion & Learning -

SECOND EDITION, MUCH ENLARGED.

CAMBRIDGE:

MACMILLAN, BARCLAY, AND MACMILLAN;

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DESCRIPTION OF THE PLATES.

FRONTISPIECE, PLATE I. (See p. 255, &c.)

Ecclesiastical Vestments.

Fig. 1. A priest, vested for the mass, in a *Chasuble*, *Maniple*, *Stole*, *Albe*, &c. (p. 177.)

2. A monk, in his *frock*, girded round the loins. He wears also a *Capucium*, and a tongue-shaped *Scapular*; and has a *Discipline* in his hand. (p. 77, 247.)

3. A Canon Regular, vested in an *Almuce*, *Mozzetta*, *Rochet*, square-shaped *Scapular*, and *Soutan*.

4. A Bishop of the twelfth century, having on his head a *Cidaris* or bonnet (the *Infulæ* being seen at the back) on his breast a Rational (?) and in his left hand a pastoral staff.

5. A Deacon wearing a *Dalmatica*, in its ancient form, over an *Albe*. The more modern form of the Dalmatica may be seen in *Picart*, vol. I. p. 334.

6. A Cardinal in his *Berrettino*, *Mozzetta*, *Rochet*, and *Mantle*.

7. A Pope in his *Regnum* (or triple crown.) All the other vestments, viz. the *Pall*, *Chasuble*, *Maniple*, *Apparelled Albe*, *Sandals*, and *Cross Staff*, are used also by Archbishops.

8. A Bishop, or Archbishop, in his *Mitre* (*infulated*) and vested in a *Cope* provided with a *Morsus*.

9. An Acolyth, vested in a *Cotta*, or short surplice, over a sort of *Soutan*. He has a thurible in his hand.

10. A Canon regular, who is also chaplain, or cambuccarius, to a Bishop. This figure is introduced to shew the manner of girding the albe, the shape of the *Stole*, and also of the *Biretum* or cap. On his breast there hangs *a pectoral Cross* (*Encolpium*), and in his right-hand he bears the Bishop's *Cambucca*, or pastoral staff.

11. A Greek Papa or Priest. He wears a *Phelonium* (chasuble) exhibiting the *Pola* on the back; a *Sticharium* (albe) and a sort of Biretum or cap.

12. A Greek Patriarch vested in his *Omophorium* (pall), *Phelonium* (chasuble), also called from its embroidery *Polistaurion*; he also wears the *Genuale*, *Epitrachelium* (stole), *Sticharium* (albe), and holds a curiously formed pastoral staff.

Gothic Tracery.

Window tracery is the simplest criterion of style, and I have turned the background of this plate to some account by exhibiting the *general* features of English Church Architecture in illustration of p. 218, &c. of my work.

A. NORMAN, p. 218.
D. LANCET, or *Early English*, p. 219.
B. FLOWING, or *Decorated*, p. 220.
C. PERPENDICULAR, p. 221.

The Pope (Fig. 7.) is seated upon a *faldistory*, or moveable throne, surmounted by a *Baldachin*, or canopy, and the building is paved with encaustic tiles. (pp. 232, 246.)

PLATE II. p. 222.

Ecclesiastical Miscellanies.

Fig. 1. THE CIBORIUM at S. Clement's Church, Rome. It is placed in an *Apse*, and a *Peristerium* is represented as hanging under it (p. 230). The ancient *Altar* and *Ciborium* are copied from the plates to Hope's Architecture.

2. THE FONT and its CANOPY at Trunch Church, Norfolk. (p. 245.) That at Luton will be found in the Gentleman's Magazine, 1778, p. 505. See also Hope's Architecture, Plate VII. and *passim*, for a *Baptistery*.

3. A CHAPELLE ARDENTE, or *Catafalque* (p. 241), compiled from the '*Vetusta Monumenta*,' Browne's '*Repertorium*,' and *Picart*.

4. THE ANCIENT AMBO in the Church of S. Cesario at Rome (p. 244). It is taken from *Hope's Architecture*, Plate 26.

5. LICHGATE at Beckenham, Kent. (p. 222, &c.)

6. A ROOD-LOFT and SCREEN. The *general* character of the Loft is taken from that of Totness Church, Devon. The *Images* are supplied from foreign examples, and I have endeavoured in the lower part to represent the general character of our Norfolk painted Rood-Screens. (p. 243.)

7. A PREACHING CROSS, from *Hollar* and others. (p. 223, &c.)
8. THE PASCHAL SEPULCHRE at Heckington Church, Lincolnshire, copied from the '*Vetusta Monumenta*.' (See here, p. 232.)

PLATE III. p. 235.

Ecclesiastical Utensils.

Fig. I. II. XVIII. OSCULATORIES, back and front views, (p. 236). *Archæologia* and *Pugin*.
III. CANDLESTICKS FOR THE ALTAR, (p. 240, &c.) *Ditto ditto*.
IV. FERETRUM, or portable shrine (p. 229), from a MS. in the British Museum.
V. AMPULLÆ, or *Cruets*, from *Bonanni*. (p. 235.)
VI. FLABELLUM, in the Greek Church, (p. 237), from *Picart*.
VII. ASTERISK, in the Greek Church, (p. 236). It is represented on a *very* small scale, from *Picart*.
VIII. THURIBLE, or *Censer* (p. 237), from a MS.
IX. NAVETTE (p. 237), from *Picart* and *Pugin*.
X. FLABELLUM of the Latin Church (p. 237). *Costumi de la Corte Pontificia Roma* 1844, fig. VII.
XI. COCHLEAR, or *Spoon* (p. 175, 236), from various ancient specimens.
XII. A PYX for the host (p. 235), *Picart* and *Pugin*. See also frontisp. fig. 1.
XIII. A TINTINNABULUM, or hand bell (p. 237, &c.), from an ancient specimen. *Gent. Mag.*
XIV. VELUM CALICIS (p. 233), from *Picart*.
XV. CHALICE (p. 235), from a woodcut designed by *Hollar*.
XVI. A MONSTRANCE. *Expository, or Soleil* (p. 236), from *Picart* and *Pugin*.
XVII. PASCHAL CANDLESTICK (p. 240), from the *Archæologia* and *Pugin*.
XVIII. AN OSCULATORY, back view (p. 236) from the *Archæologia*. See fig. 1, 2.
XIX. HERCIA AD TENEBRAS (p. 241), on a *miniature* scale from *Picart*.
XX. FALD-STOOL and *Cushion* (p. 244), from an ancient painting in a church window. *Glossary of Architecture*.
XXI. GENUFLEXORIUM, or Kneeling Cushion (p. 234), from the same authority.
XXII. A CHRISMAL BOTTLE, viz. one of the three which contained the holy oil, and which were usually enclosed in the Chrismatory. (See fig. XXV. and p. 238.) *Picart*.
XXIII. BOËTA LUCERNA, or the Lantern (p. 241), altered from an ancient specimen engraved in the *Pictorial History of England*, vol. I.
XXIV. A LETTERN, or *Eagle-desk*, with the Book of the Gospels upon it (p. 244), taken from a variety of ancient specimens.
XXV. A CHRISMATORY (p. 238), from *Strutt*.
XXVI. AN ASPERGILLUM, or *Sprinkle* (p. 237), from *Picart*.
XXVII. A BENNATURA, or *Holy Water Vat* (p. 237), from *Pugin*.
XXVIII. A PROCESSIONAL CROSS (p. 238). *Strutt*.
XXIX. A CANTORAL STAFF (p. 238). *Pugin*.
XXX. A CANTORAL STAFF, another specimen, also from *Pugin* (p. 238).
XXXI. A PROCESSIONAL BANNER (p. 234). *Picart*.

¶ *In the same Plate, but not distinguished by numerals.*

A CORONA (p. 240) hangs above. *Picart* and *Pugin*.
A REREDOS, or *Altar-Screen*, behind figures VIII. IX. X. &c. (p. 230).
A MORSUS of a trefoil-shape over fig. VI. (p. 256).
Ancient PATEN, Tuttington church, Norfolk, over fig. X. (p. 235).
A TABERNACLE over fig. XIII. XIV. &c. in the back-ground (p. 230).
A PERTICA, or some unknown instrument from which reliques or medals might be suspended, over fig. XV. from *Gardner's Dunwich* (p. 229).
AN ALTAR with its ANTEPENDIUM, under figs. VIII. IX. X. XI. XII. XIII. XIV. XV. XVI. (pp. 228, 232). The *Antependium* and fig. XX. XXI. exhibit the *general* style of ancient embroidery.

Note. The ancient form of a *Buretta* (see p. 235,) may be seen in the Archæological Journal, No. 6, June 1845, p. 168. It resembles a coffee-pot in its lid, spout, handle, and general form. And here let it be noted, that in the various articles included in my plates, I merely profess to copy the general form and appearance, and not the exact style of ornament, though ancient patterns have been of course strictly adhered to.

TO THE ARCHBISHOPS AND BISHOPS

OF THE PROVINCES OF CANTERBURY AND YORK,

THE FOLLOWING

MANUAL OF ECCLESIASTICAL ANTIQUITIES,

CORRECTED AND ENLARGED,

IS MOST RESPECTFULLY INSCRIBED,

BY THEIR OBEDIENT SERVANT,

THE AUTHOR.

PREFACE.

As the title-page will have already informed the reader, it is the object of the present work to place in his hands *the materials* of which our ecclesiastical history is composed, and to enable such as are unwilling to rely implicitly on secondary authorities, to refer at once to the very words of contemporary documents. Wilkins's "*Concilia*," which forms its basis, is far too expensive to be within the reach of the many, and too voluminous to suit the taste of modern times, and the information of which that work is the almost exclusive depository has been thus practically useless to the lay and clerical members of our Church: inaccessible alike to the divinity student, to the antiquary, or the controversialist. It has been my earnest endeavour to remedy this glaring defect, by bringing within a narrow compass all that appeared really valuable in the collections of Wilkins and Spelman. With this design, the "*Medulla Conciliorum*" was published in 1833, and such also is the object of the volume, a second edition of which, considerably enlarged, is now presented to the reader. It is to be hoped that an entertainment has been provided sufficiently varied to gratify every palate. There is hardly a page in which the antiquary will not find something to arrest his attention, and transport him in imagination to the ages which are past: many of the rubrics still retained

in our *Book of Common Prayer*, and many an obscure point in ecclesiastical law, will receive an immediate elucidation from the same source. But it is to the controversialist with Rome, that the work will be found preeminently useful, by tearing off the mask from Popery, and exhibiting her as she really is. At so critical a juncture as the present, I cannot persuade myself that such an antidote is either superfluous or uncalled for.

It is hoped that this book may be useful even to those who have both inclination and opportunity to read Wilkins's Collection of English Councils; since it is not merely an *Epitome*, but a *Digest*. The classification which I have adopted, may save him a vast deal of laborious research; to those who are not familiar with the Latinity of the middle ages, it may be of service as a glossary; and whereas (if we except a few notes in his first volume) Wilkins leaves to his readers the task of solving all the difficulties as they occur, more than two hundred annotations will be found in the present work, independently of the information that has been condensed in the introduction to each chapter.

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KINGDOMS OF THE SAXON HEPTARCHY,

Which continued till the time of Egbert the first king of all England, A.D. 828.

1. CANTIUM, Kent.
2. SUSSEXIA, (or South Saxony) Sussex and Surrey.
3. EAST ANGLIA, Norfolk, Suffolk, Cambridge, and the Isle of Ely.
4. WEST-SEXIA (or West Saxony). Cornwall, Devonshire, Dorsetshire, Somersetshire, Wiltshire, Hampshire, Berkshire.
5. NORDANHUMBRIA, Lancashire, Yorkshire, Durham, Cumberland, Westmorland, Northumberland, and all Scotland south of Edinburgh.
6. EAST-SEXIA (East Saxony), Essex, Middlesex, and part of Hertfordshire.
7. MERCIA, Gloucestershire, Herefordshire, Worcestershire, Warwickshire, Leicestershire, Rutlandshire, Northamptonshire, Lincolnshire, Huntingdonshire, Bedfordshire, Buckinghamshire, Oxfordshire, Staffordshire, Shropshire, Nottinghamshire, Chester, and part of Hertfordshire.

KINGS OF ENGLAND FROM THE CONQUEST TO THE REFORMATION,

With the dates of their accession.

William I., A.D. 1066; William II., A.D. 1087; Henry I., A.D. 1100; Stephen, A.D. 1135; Henry II., A.D. 1154; Richard I., A.D. 1189; John, A.D. 1199; Henry III., A.D. 1216; Edward I., A.D. 1272; Edward II., A.D. 1307; Edward III., A.D. 1327; Richard II., A.D. 1377; Henry IV., A.D. 1399; Henry V., A.D. 1413; Henry VI., A.D. 1422; Edward IV., A.D. 1461; Edward V., A.D. 1483; Richard III., A.D. 1483; Henry VII., A.D. 1485; Henry VIII., A.D. 1509 to 1547.

ARCHBISHOPS OF CANTERBURY, FROM THE CONQUEST TO THE REFORMATION,

With the dates of their Consecration, from Le Neve.

Lanfranc, A.D. 1070; Anselm, A.D. 1093; Rodulphus, A.D. 1114; William Corbeil, A.D. 1122; Theobald, A.D. 1138; Thomas-à-Becket, A.D. 1162; Richard, A.D. 1171; Baldwin, A.D. 1184; Reginald Fitz Jocelin, A.D. 1191; Hubert Walter, A.D 1193; Stephen Langton, A.D. 1206; Richard Wethershed, A.D. 1229; Edmund of Abingdon, A.D. 1233; Boniface, A.D. 1244; Robert Kilwardby, A.D. 1272; John Peckham, A.D. 1278; Robert Winchelsey, A.D. 1294; Walter Raynold, A.D 1313; Simon Mepham, A.D. 1328; John Stratford, A.D. 1334; Thomas Bradwardin, A.D. 1349; Simon Islip, A.D. 1349; Simon Langham, A.D. 1367; Simon Sudbury, A.D. 1375; William Courtney, A.D. 1381; Thomas Arundel, A.D. 1396; Henry Chichely, A.D. 1414; John Stafford, A.D. 1443; John Kemp, A.D. 1452; Thomas Bouchier, A.D. 1454; John Morton, A.D. 1486; Henry Dean, A.D. 1501; William Warham, A.D. 1504; Thomas Cranmer, A.D. 1533.

INTRODUCTION.

DISCOURSE ON THE RELIGION

OF THE

ANCIENT BRITONS, IRISH, AND SCOTS.

§ 1. *The Conversion of the British Isles.—The agreement in doctrine and discipline between the British and Irish Churches.*

That the light of Christianity dawned upon these islands in the course of the first century, is a matter of historical certainty,[a] but the instrument by which this blessed work was accomplished, is a question which will always be involved in obscurity both from the number of conflicting testimonies, and the remoteness of the period to which they relate. The conversion of Britain has been severally ascribed to S. Peter, S. James the Great, to Simon Zelotes, and to Joseph of Arimathea. Any reader who may feel an interest in what is justly termed *the mythology of history*, is referred to the first volume of Spelman's "*Concilia*" (and other similar works), where he will find the various testimonies at length. The tradition respecting the preaching of S. Paul in Britain is founded upon a more solid basis, inasmuch as we are assured by his *contemporary* S. Clement of Rome, that he penetrated "to the extreme boundaries of the west" (το τερμα της δυσεως); and Venatius Fortunatus, who flourished in the sixth century, talking of St. Paul, tells us more expressly,

> **Transiit oceanum vel quà facit insula portum**
> **Quasque Britannus habet terras, quasque ultima Thule.†**

If it should appear upon inquiry that the most perfect uniformity in doctrine and discipline anciently subsisted between the British and Irish churches, it will necessarily follow that any discovery which we may hereafter make respecting either of them, will also reflect a considerable light upon the other. This observation is

[a] Tertullian, who flourished in the second century, says expressly, "Britannorum Romanis inaccessa Christo vero subdita." *Adv. Judæos*, written circa A. D. 198.

[b] See for other testimonies, Spelm. Concil. i. 3, &c.

of the greatest importance to the success of our inquiry, from the scanty supply of materials, and I am therefore particularly anxious to impress it upon the reader's attention.

The celebrated controversy respecting Easter and the tonsure, in which the Britons, Irish, and Picts, united together in opposition to the Saxon clergy, has been fully detailed by Bede in various portions of his history.[c]

Usher has cited a very ancient catalogue of the Irish saints,[d] to the effect that the saints of the second order "received the rite of celebrating mass from holy men of British extraction, viz. from Saint David, and Saint Gildas, and Saint Docus."

And Bede, talking of Lawrence, Augustine's successor in the see of Canterbury, tells us that "Forasmuch as he knew the life and conversation of the Scots who inhabited Ireland, as well as of the Britons dwelling in Britain, to be in many respects uncanonical, he wrote to them a letter of exhortation, in the course of which he says, 'But knowing the Britons, we thought that the Scots were better: we have, however, since learned from (*the conduct of*) Dagamus a bishop and Columbanus an abbot, *that with respect to their conversation, the Scots differ not from the Britons in any point:* for Dagamus coming to us not only refused to eat with us, but would not even take food in the house in which we were eating.'"[e]

§ 2. *The learning of the ancient Irish, the purity of their faith, and the fruits of their missionary zeal.*

That learning and piety flourished in these islands during the period of their independence is capable of the most satisfactory proof, and Ireland in particular was so universally celebrated, that students flocked thither from all parts of the world.

Moronus, a Tarentine, thus speaks of the university of Lismore, in his Life of Cathaldus:[f]

> Undique conveniunt proceres, quos dulce trahebat
> Discendi studium.....
> ..... Celeres vastissima Rheni
> Jam vada Teutonici, jam deseruêre Sicambri:
> Mittit ab extremo gelidos aquilone Boiemos
> Albi et Arverni coëunt, Batavique frequentes,
> Et quicunque colunt altâ sub rupe Gebenas.
> Non omnes prospectat Arar Rhodanique fluenta
> Helvetios: multos desiderat ultima Thule.
> Certatim hi properant diverso tramite, ad urbem
> Lismoriam, juvenis primos ubi transigit annos.

When a man of letters in Britain or on the continent was missing, it became a proverb, "*Amandatus est ad disciplinam in Hibernià;*" and in the life of Sulgentius a Briton we are told,

> Exemplo patrum commotus amore legendi
> Ivit ad Hibernos *Sophiâ* mirabilè claros.[g]

[c] Lib. ii. c. 2; iii. c. 25; v. c. 21.
[d] Brit. Eccl. Antiq. c. 17.
[e] Bedæ Hist. lib. ii. c. 4.
[f] Apud O'Halloran's Hist. Ireland, v l i. p. 168, &c.
[g] O'Halloran, *ubi supra.*

Allemand, a French author, moreover tells us that, "it was enough to be an Irishman, or even to have studied in Ireland, to become the founder of some religious seminary in any part of Europe."[h]

The above extracts, for which I am indebted to the industry of O'Halloran, strictly coincide with what Bede tells us in his history.

He says in one place that "Agilbertus, *a native of Gaul*, had sojourned for a considerable time in Ireland that he might study the holy Scriptures;[i] and in another he informs us that there were then in Ireland "many Englishmen, both nobles and others of the middle classes, who, leaving their country during the lives of Finan and Colman, had gone thither, either that they might study the Scriptures (*Divinæ lectionis gratiâ*), or that they might lead a chaster life. Some of these faithfully devoted themselves to a monastic life, while others going to the habitations of their teachers, diligently applied themselves to study. All of these the Scots gladly received, supplying them gratuitously with food and books and instruction.[j]"

Although we cannot produce such direct testimonies with respect to Britain, she certainly possessed several famous seminaries, and gave birth to many illustrious men. David, Gildas, Dinooth, &c., were eminently learned, and the Irish saints would hardly have adopted the British mode of celebrating mass, had the natives of that country been their inferiors in point of learning and civilization.[k]

The Ecclesiastical History written by Bede, an avowed enemy of the Britons, supplies us with the strongest negative testimony to the purity of their faith. He has been most unsparing in his censure, and asserts that in *very many* particulars they differed from the Church of Rome; yet his most serious accusation against them was, that they did not celebrate Easter Sunday at the proper time, or shave the heads of their clergy according to the true canonical cut.

Thus, for example, in the chapter wherein he describes the conference which Augustine had with the British bishops, we are told that "they celebrated not Easter Sunday at the proper time, ... and moreover *in very many other respects* violated the unity of the Church: and this is also evident from the proposition made to them by Augustine at the second conference recorded in the same chapter. "In *many* things ye act contrary to our customs and to those of the universal church; yet if in these three respects ye will obey me—to celebrate Easter at the proper time; to perform the rite of baptism by which we are born again unto God according to the custom of the Roman and apostolic church; and to join with us in preaching to the English nation the word of the Lord, all the other things which ye do, although contrary to our customs, we will bear with equanimity."[l]

[h] Histoire Monastiqne D'Irelande, ap. O'Halloran, vol. i p. 182.
[i] Hist. lib. iii. c. 7.
[j] Ibid c. 27.
[k] Vide supra, p. ii.
[l] Eccl. Hist. lib. ii. c. 2.

In another place he says that Lawrence, Augustine's successor, discovered that the life and conversation of the Scots as well as of the Britons, "was in *many* respects uncanonical, *especially* because they did not celebrate Easter at the proper time."[m]

He elsewhere tells us that after the death of Finan, bishop of Lindisfarne, "a violent controversy arose concerning the observance of Easter, *and other rules of ecclesiastical discipline*."[n]

In the year 705, Adhelmus wrote an excellent work "against the error of the Britons who do not celebrate Easter at the proper time, and also do *very many other things* contrary to ecclesiastical chastity and peace."[o]

He also says that Wilfrid, while he was yet a youth, being of a sagacious mind, "discovered that the way of virtue as it was taught by the Scots was imperfect, and resolved in his mind to go to Rome and find out what ecclesiastical or monastic rules were observed at the apostolic see .... There he gained the friendship of that most holy and learned man archdeacon Boniface, counsellor to the apostolic Pope, under whose instruction he learned the four Gospels in their proper order, as well as the true mode of calculating Easter, and *many other* rules of ecclesiastical discipline, which he could not (*have learnt*) in his own country."[p] And he tells us in the same chapter that Colman and other Scots left Northumbria, "rather than receive the catholic Easter *and other canonical rites* according to the custom of the Roman and Apostolic Church."

These extracts from Bede prove most distinctly the uniformity of the British and Irish churches. The stress which he lays upon a mere ritual observance, establishes incontestably the purity of their faith, while the *very many* points of *discipline* in which they varied from the Church of Rome, render it extremely improbable that they had originally derived their Christianity from that source.

The refusal of the British bishops to submit to the jurisdiction of Augustine, and the conduct of Colman the Scottish bishop who gave up his see rather than adopt what he knew to be the Roman Easter, can never be reconciled with the supposition that they acknowledged the Pope to be the successor of Saint Peter and the head of the Catholic Church.

But while we triumphantly cite these testimonies of our original independence, let us not seek to palliate the contumacious spirit displayed by the British clergy in their conference with Augustine. As Christians they ought to have cheerfully assisted him in evangelizing the pagan Saxons: the terms which he proposed were mild and reasonable, and the faith which he professed was as pure and orthodox as their own; for at that early period but few of the errors of Popery had crept into the Church.

To this disgraceful apathy in the cause of religion, the conduct of the Irish Scots affords a pleasing contrast; for it is a remarkable

[m] Eccl. Hist. lib. ii. c. 4.
[n] Ibid. lib. iii. c. 25.
[o] Ibid. lib. v. c. 19.
[p] Ibid. lib. v. c. 20.

fact that *the conversion of nearly the whole island was the fruit of their missionary zeal.* This honour has been usually assigned to Augustine and his companions, but with what justice will appear from the testimony of the great Saxon historian Bede.

Although the kingdom of *Northumbria* had received the Christian faith at the preaching of Paulinus, six years had scarcely elapsed before he was driven from his see. King Edwin was slain, and his successors openly apostatized from the faith; but about the year 633 king Oswald "sent to the elders of the (*Irish*) Scots, among whom, during his exile, he had, in company with his soldiers, received the sacrament of baptism, requesting that a bishop might be sent to him, by whose doctrine and ministry the Angles, over whom he ruled, might learn the faith of the Lord and receive the sacraments."[q] Aidan was therefore sent from Ireland, and to him, under God, must be attributed the conversion of *Northumbria.*

About the year 654, Penda, king of *Mercia,* married Alchfleda, Oswald's grand-daughter, and was baptized by Finan, Aidan's successor in the see of Lindisfarne. On his return from Northumbria he took with him four presbyters, viz. Chad, and Adda, and Betti, and Diuna, that they might convert his subjects to the Christian faith; and Diuna (who was an Irish Scot) was consecrated by Finan the first bishop of the *Mercians.*[r] His successors in the see Ceollach and Trumhere were also consecrated by Scottish prelates.

The *East Saxons,* who had many years before renounced the Christian faith and expelled Mellitus their bishop, were converted about the same time at the preaching of Chad, who was afterwards consecrated by Finan. Their king, Sigbert, had been a short time before baptized by the same prelate.[s]

Three kingdoms of the Heptarchy (including *twenty-six* counties) and the whole of what we now call Scotland,[t] owed their conversion to the zeal of Irish missionaries, and to their efforts many of the other parts of England were also largely indebted. Thus, for example, Christianity was in a great measure *restored* in the kingdom of West Saxony, through the instrumentality of Agilbert, "a bishop who came into that province *from Ireland;* who was indeed a native of Gaul, but who had sojourned a considerable time in Ireland for the sake of studying the (*holy*) Scriptures;[u] and Fursey, an Irish Scot, preaching the Gospel in the kingdom of East Anglia, "by his exhortations and his example *converted many unbelievers,* and established those who already believed more and more in the faith of Christ (Jesus)."[v]

§ 3. *Their Church was episcopally constituted.*

Although the British and Irish Churches were episcopally constituted, a question has been raised respecting the validity of their

[q] Bedæ Eccl. Hist. lib. ii. c. 14-20; lib. iii. c. 1, 3.
[r] Ibid. lib. iii. c. 21.
[s] Ibid. lib. iii. c. 22.
[t] Ibid. lib. iii. c. 4.
[u] Ibid. lib. iii. c. 7.
[v] Ibid. lib. iii. c. 19.

consecrations, which (if we are to believe John of Tinmouth) were usually performed by a single bishop; whereas at least three are required by the fourth Canon of the Council of Nice. Thus, in the life of Kentingern,[w] we read that he was consecrated by "*one bishop* brought out of Ireland (*for the purpose*), according to the custom of the Britons and Scots. For it had become the custom in Britain that at the consecration of bishops their heads should be simply anointed by the infusion of the chrism, accompanied by an invocation of the Holy Spirit, and a benediction, and the laying on of hands."

The authority of Tinmouth, *who flourished after the middle of the fourteenth century*,[x] is certainly not entitled to implicit confidence: but taking the fact for granted, (as there may be other proofs which have escaped my notice), it is by no means difficult to establish the validity of a consecration performed by a single bishop.

In his eighth reply to Augustine, Pope Gregory says, "In the Church of England, in which you are at present the only bishop, *you can only consecrate bishops by yourself.*"[y]

In the "*Apostolic Constitutions*" (lib. viii. c. 27) it is said that "in cases of necessity a bishop may be consecrated by one."[z]

Theodoret tells us in his Ecclesiastical History (lib. v. c. 23) that Evagrius was ordained bishop of Antioch by Paulinus alone, yet the validity of his consecration was never called in question: and as late as the year 1686, Pope Innocent XI. allowed the bishop elect of Wurtzburgh to receive his consecration at the hands of one bishop assisted by two abbots.[a]

From a passage in Heddius's Life of Wilfrid, it would appear that archbishop Theodore's objection to the Irish ordinations was founded upon some deficiency with respect to the minor orders. They may not have had among them ostiaries, readers, exorcists, &c.; for Theodore re-consecrated Chad to the see of Lichfield "*through all the ecclesiastical degrees.*" (Heddius apud Gale "*Hist. Brit. Sax. Anglo-Dan.*" *Oxon.* 1691, p. 59.)

Should this conjecture be a sound one, it will establish another point of conformity between the ancient Irish Church and the Church of England.

Very possibly a regular progress through all these degrees may have been considered essential in the seventh century: modern Roman Catholic divines have however excluded all degrees under the *subdiaconate* from the *sacrament* of orders; while on the other hand Menardus, Thomasin, Morinus, and in a word all the ablest ritualists, have candidly admitted that for twelve hundred years the term "*minor orders*" extended to all under the rank of a deacon. (Schram, *Theol.* § 1136; item § 1145, *Schol.* 2; item § 1146.)

[w] Johan. Tinmut ap. Alfordii "*Fides Regia*," tom. ii p. 47.
[x] Nicolson's Eng. Hist. Lib. part 1, 8vo. 1696, p. 178.
[y] Bedæ Eccl. Hist. lib. i. c. 27. [z] Schram, Theol. § 1162, Schol. 2.
[a] Schram, Theol., ubi supra.

In the Epistle of Gregory the Great to the Irish bishops; in his Letter to Quirinus; in his ninth Answer to Augustine; in the Epistle of Lawrence, Augustine's successor; in the Rescripts of Popes Honorius and John, and indeed in many parts of Bede's history, the reader will find a distinct recognition of the episcopal character of the Irish bishops. (Spelm. "*Concil.*" i. 71, 87. Item Bedæ "*Hist.*" lib. i. c. 27; lib. ii. c. 4 et 19.)

§ 4. *They received the Gospel directly from the East.*

We have already seen that in "*very many*" minor points of discipline the British and Irish Churches differed from that established in this country by Augustine,—a clear proof that they had not originally been converted by Romish missionaries. Let us now briefly examine the circumstances which would lead us to suppose that they had derived their Christianity from an oriental source.

i. In deferring baptism *till the eighth day*, the Irish adopted a practice which is clearly of oriental origin, and which is, I believe, still observed in the Russian branch of the Greek Church, if not in the others.[b]

ii. Besides Easter and Pentecost, one of the solemn times for administering baptism in Ireland was the *Epiphany;* and in this respect they agreed with the Eastern and African Churches.[c]

iii. *Infant Communion,* which is still practised in the East, was observed in Ireland long after it had been discontinued in the different Western Churches.[d]

iv. The Irish imitated the Greek Church in fasting upon a Wednesday.[e]

v. *Abstinence from blood,* according to Acts xv. 29, was rigorously observed by the Irish, as it is to this day by all the Eastern Churches.[f]

vi. The "*Cursus Scotorum,*" or Irish Liturgy, was of oriental origin, having been brought originally from Alexandria.[g]

vii. *Chorepiscopi,* or village bishops, existed as an order in Ireland long after they had been discontinued in the Church of Rome.[h]

viii. The Easter observed by the Britons and Irish was the same as that which had been anciently celebrated in the Eastern Churches.[i]

ix. The clerical tonsure among the Britons and Irish was very different from that of the Church of Rome. So also was the tonsure of the various oriental churches: for we read that when Theodore (a Greek) was appointed archbishop of Canterbury, "he waited four months till his hair grew, so that it might be *clipped into the form of a crown:* for he had (*before*) the tonsure of the holy Apostle

b Ross's Πανσεβεια, § xiv. 96, p. 343. Wilk. *i.* 5, *c.* 19. c Lanigan, vol. iv.
d Lanigan iii. 309, 455. e Usser. Brit. Eccl. Ant. 4to. p. 882.
f Lan. iii. 140. Can. Apost. 55. Concil. Gangr. c. 2. Can. Trul. 67.
g Spelm. Concil. i. 167, (177). h Lanig. iii. 477; iv. 35.
i Mosheim, Hist. Cent. ii, part II. *c.* 4, § 9.

Paul, according to the custom of the Eastern (*Churches*)."[j] Compare with this the words of Ceolfrid, in which he thus speaks of the tonsure used by the Irish Scots, "quæ aspectu in frontis quidem superficie *coronæ videtur speciem præferre,* sed ubi ad cervicem considerando perveneris, *decurtatam eam quam te videre putabas invenies coronam.*"

x. It is well known that the Greek laity receive the sacrament by *intinction,* bread dipped in wine being given to each communicant in a spoon. Now I imagine that I have discovered traces of this practice in the ancient Irish Visitation office, published by Sir William Betham; it was written about the eighth century.

¶ "*Das ei Eucharistiam dicens.*"

"*Corpus, etiam sanguis* Domini nostri Jesu Christi, filii Dei vivi, conservat animam tuam in vitam perpetuam."[k]

It is remarkable that on the top of the *Meeshac,* an ancient silver box made in Ireland A.D. 603, an abbot is represented as giving the benediction with his hand spread out,[l] in a manner totally different from that which is adopted by the Romish clergy, who bless with the index and middle finger, bending the thumb and two other fingers so as to represent the form of a cross.

Picart tells us that members of the Greek Church make the sign of the cross with three fingers,[m] which appears exactly to correspond with the representation on this ancient box.

§ 5. *Their opposition to the See of Rome.*

The boldness displayed by the Irish prelates when they even accused the Church of Rome of *heresy,* because she gave her sanction to "*the three chapters;*"[n] the refusal of the Britons to recognize the claims of Augustine who had been sent hither by the Pope; the disrespect which was paid to the letters of Honorius and John;[o] the resignation of the see of Lindisfarne by Colman, rather than adopt the Roman Easter,[p] and in a word the *contumacious* opposition of the Irish and Scots, who acted towards the Romish party exactly "*as if they had been pagans,*"[q] proves that they neither believed the Pope to be the head of the church, or communion with the see of Rome essential to salvation.

Had it been otherwise, instead of holding out so contumaciously and so long with respect to Easter and the tonsure, they would have yielded at once in points which, being confessedly matters of discipline only, could be of no vital importance.

In the reply of Dinooth to Augustine, we have indeed a formal renunciation of the papal authority in the remarkable works, "We are obedient to the Pope of Rome (*as we are*) to every true and pious Christian: and other obedience than this I do not believe to be due to him whom ye call the Pope, nor (*do I acknowledge*) that

j Bedæ Hist., lib. iv. c. 1.
k Irish Antiquarian Researches, part 1.
l Ibid.
m Picart, vol. v. p. 95.
n Wilk. i. 9.
o Bedæ Hist. lib. ii. c. 19.
p Ibid. lib. iii. c. 26.
q Ibid. lib. ii. c. 4.

he is Father of fathers." And in the conference of Whitbye, the quotation from Matthew xvi., which determined king Oswi in favour of the Roman Easter, had no effect upon Colman.[r]

Bede also tells us that Oswi, "*although he had been educated by the Scots*, understood that of a truth the Roman was the true Catholic and Apostolic Church,"[s] (or A true Catholic and Apostolic Church).

And when Naitan, king of the Northern Picts, had induced his subjects to celebrate the Roman Easter, we are told that "he requested assistance from the English, *whom he knew to have long since regulated their religion according to the pattern of the holy Roman and Apostolic Church;* promising that he and all his subjects *would constantly imitate the discipline of the holy Roman and Apostolic Church.*"[t] And when, in answer to this application, he and his subjects received the letter of Ceolfrid, abbot of Jarrow, containing instructions in these points of discipline, we read that "the ministers of the altar, as well as the monks, were immediately shorn in imitation of a crown, and the nation being reformed, *rejoiced that they were subject to the discipline of the blessed prince of the Apostles St. Peter, and under his protection;*" a tolerably clear proof that they then *for the first time* acknowledged the supremacy of the Pope. This took place A.D. 714.

Roger Hoveden and the Melrose Annalist tells us that "no *pall* had been sent to Ireland before the year 1151," although *palls* had been received in England *more than* 500 *years before.* As there were certainly archbishops in Ireland before 1151, and as the pall was the token of investiture sent by the Pope to every archbishop within his jurisdiction, we have here a strong presumption as to the ancient independence of the Irish Church.[u]

It cannot be proved that the Pope ever sent a legate to Ireland before the time of Gillebert in the 12th century; "who (says St. Bernard, his contemporary) is said to have been the first person who acted as legate to the Apostolic see throughout the whole of Ireland." Nor indeed can it be proved that any visitations of the Irish clergy were held anciently in the Pope's name, much less that any indulgences were sought from Rome, or that Irish prelates received their confirmation from the Pope.[v]

When Menalchus the archbishop was dead, Carlomagnus, king of the Scots, was entreated to appoint Livinus in his room, and we are told that, devoutly assenting to this request, "he placed this thrice-blessed man upon the archiepiscopal throne."[w]

Giraldus Cambrensis informs us that in the year 1155, Pope Adrian gave permission to Henry II. "both to conquer and to instruct the Irish people, who were so indifferently skilled in the

[r] Wilk. i. 26; Bedæ Hist. lib. iii. c. 25.
[s] Hist. lib. iii. c. 29.
[t] Ibid. lib v. c. 21.
[u] Usser Brit. Eccl. Ant. 4to. c. 17, p 870.
[v] Usser Disc. pp. 76 and 86.
[w] Bonifacius in Vita Livini apud Usher. "Religion of the Ancient Irish."

rudiments of the faith, in ecclesiastical rules and discipline, according to the rites of the English Church. The same Pope also sent to Henry, by John of Salisbury, a gold ring in token of investiture."[x] In the bull which accompanied this gift, the Pope uses these remarkable words: "Your majesty has conceived an excellent mode of spreading abroad the glory of your name in the world, and of accumulating the reward of eternal happiness in heaven; *whilst you exert yourself as a Christian prince to extend the boundaries of the church, to declare to that uncouth and illiterate nation the verity of the Christian faith, and to extirpate the saplings of vice from the field of the Lord,* requesting for the accomplishment of your object the advice and favour of the Apostolic see. Truly there is no manner of doubt that Ireland, as well as all other islands upon which the Sun of righteousness hath dawned, belongs to the jurisdiction of St. Peter and of the holy Roman Church, which your majesty also acknowledges. You, our beloved son in Christ, have signified to us your desire of invading Ireland, ... and that you are also willing to pay to St. Peter the annual sum of one penny for every house. We therefore grant a willing assent to your petition, and *that the boundaries of the Church may be extended,* and the Christian religion increased, permit you to enter the island. Be it your study then that the church there may be adorned, and the Christian faith established and increased."[y]

Matthew of Westminster gives us the following account of this grant of Ireland to king Henry II. "About A. D. 1155, Henry, king of England, sent a solemn embassy to Rome, that he might be allowed to invade and subdue Ireland; *to reestablish a more decent form of religion among that rude and brutish people, and to make them more faithful to the Church of Rome,* which the Pope joyfully granted."[z]

Nothing can be more clear than the inference, that at the date of Pope Adrian's bull, Ireland was not considered within the "*boundaries*" of the Romish Church, for else how could those boundaries have been "*extended*" by Henry's invasion?

Sedulius, an Irish saint of the fifth century, in his commentary upon Romans ix. says, "It is certain that by this '*Petra*,' or rock, CHRIST IS SIGNIFIED." And upon Ephesians ii., "Christ, who is elsewhere called *the chief corner-stone,* is this foundation, for in HIM the Church is both founded and consummated."[a]

His commentary upon John xxi. 15, &c. is equally inconsistent with the Roman Catholic interpretation of this text; for he looked upon the threefold charge to St. Peter, not as a solemn declaration of his supremacy, but as a restoration to the apostolic dignity, from which he had fallen by his threefold denial of our Lord.

Hæc terno sermone monens ut terna negatis
Culpa recens parili numero negata maneret.[b]

[x] Apud Wilk. Concilia, tom i. p. 426.
[y] Ibidem.
[z] Flores Hist. edit. 1567, pars II. fol. 32.
[a] Apud Usser.
[b] Paschale Opus, lib. v. c. 30.

Claude, bishop of Turin, who was also an Irishman, thus comments upon that celebrated text, Matt. xvi., "*Upon this rock will I build my church:*" that is, upon our Lord the Saviour, who (*nevertheless*) allowed his faithful confessor to participate in his title, so that he was called "*Peter*" from *Petra* the rock. And again in the same book he says, "For as, when all were questioned, Peter replied one for all, so what the Lord replied unto Peter he replied unto all. ..... Which power of binding and loosing, although it may appear to have been granted to Peter alone, was without any manner of doubt granted also to the other apostles by our Lord."

Gildas the Wise tells us in his epistle ("*de Excid. Brit.*") that "to every godly priest it is said, *Thou art Peter, and upon this rock will I build my church.*"[c]

And Taliessyn, a celebrated Welsh bard, who lived soon after the time of Augustine, bequeathed his countrymen the following admonition:—

Gwae ny cheidw ey dheuaid	Woe be to him who doth not keep
Rhac bleidhie Rhufeneaid	From Romish wolves his sheep,
Ai 'ffon gwppa.	With staff and weapon strong.

As far as regards the keeping of Easter and the clerical tonsure, most of the Irish were persuaded to yield by Adamnanus, A.D. 690. The Picts yielded under king Naitan, A.D. 714; the monks of Iona, A.D. 716, and the Britons (who remained obstinate during the lifetime of Bede) were at length persuaded by Elbodius, chief bishop of North Wales, who died A.D. 809.

"In Malachi's time (*circa* A.D. 1140) the Pope had the power of confirming Irish bishops, but not of nominating them. The Irish paid the small dues, called '*Peter's pence*,' not to the Pope but to the see of Armagh. But Malachi and the other Irish bishops surrendered to Rome the rights which they had hitherto enjoyed. A.D. 1148, at the synod held in Holm Park, composed of Gelasius, archbishop of Armagh, and fifteen bishops, many abbots, two hundred priests, &c. which Malachi, as legate, presided. It was then agreed to send him again to Rome with power to compose all differences between that church and the Irish nation; but as he died on the way thither, Christian (abbot of Melefont, and afterwards bishop of Lismore), was appointed legate in his room. In A.D. 1150, he repaired to Rome, vested with fresh authority from the Irish princes and clergy, on the same business, and in the following year he was dispatched for Ireland in company with cardinal Paparo."[e]

A complete reconciliation was not however effected till after the conquest of Ireland by Henry II., for Giraldus Cambrensis tells us that in the synod of Cashel, A.D. 1172, "the Irish clergy agreed to have for the future the rites of their church in strict conformity with those of England."[f]

[c] De Excid. Brit.
[d] Chron. ap. Usser, Disc. p. 110.
[e] O'Halloran's Ireland, vol. iii. p. 324, &c.
[f] Wilk. i. 473.

§ 6. *Transubstantiation was unknown to the ancient Irish.*

To confound the real presence with transubstantiation has been always a favourite artifice of the Romish priesthood, and often a successful one; for many of our modern protestants entertain such low and unworthy opinions respecting the Eucharist, that when they are tried by such a standard, the very Fathers must appear to talk the language of popery. To the lover of antiquity it is however a most cheering reflection, that as strong an argument in favour of transubstantiation might be drawn out of our Catechism, our Communion-office, our homilies, and the divines who flourished in our church during the sixteenth and seventeenth centuries, as out of the pages of the holy Fathers.

That transubstantiation was no doctrine of the early British churches will be evident to the reader from the following arguments.

Sedulius, an Irishman, who flourished in the fifth century, tells us, in his commentary upon 1 Cor. xi., that our Lord "left his memorial unto us just as a person going to a distance leaves a token to him whom he loves, that as often as he sees it he may call to mind his benefits and friendship."[g] And his opinion is still more clearly intimated in his *Carmen Paschale*, when he describes the oblation offered up in the Christian sacrifice as the fruit of wheat and of the vine :—

> Denique pontificum princeps summusque sacerdos
> Quis nisi Christus adest, gemini libaminis auctor
> Ordine Melchisedek, *cui dantur munera semper*
> *Quæ sua sunt, segetis fructus et gaudia vitis.*

Claude, bishop of Turin, who was also an Irishman, says in his third book upon St. Matthew's Gospel, " For the bread realizes his body, and the wine the blood which was in his flesh : the former is mystically referred to the body of Christ, the latter to his blood."

In the notes to a MS. copy of the four Gospels, written at Armagh in the tenth or eleventh century, Christ is stated to have blessed the eucharistical bread that it might *mystically* become his body. *In a spiritual sense this bread is the Church which is the body of Christ.*" The writer also calls the Eucharist " *a figure* of the body of Christ, *the first figure of the New Testament*, which is daily repeated and received by faith."[h]

The treatise of Johannes Duns Scotus on the Eucharist, was condemned in the Council of Vercelli, A.D. 1050. The work of this distinguished Irishman is commonly supposed to be the same as that which is now known under the name of Bertram or Rantram, which is strongly opposed to the doctrine which we are now discussing.

In the synod of Dublin, A.D. 1186, the fourth canon was as follows : " The host, *which represents the Lamb without spot*, the Alpha

[g] Usser. Disc. c. 4, p. 41.

[h] Lanig. iii. 311, &c.

and Omega, should be made so pure and white that the partakers thereof may thereby understand the purifying and feeding of their souls rather than their bodies." And at a much later period Henry Crump, the monk of Baltinglass, said, that "the body of Christ in the sacrament of the altar, is but a mirror to the body of Christ in heaven."[i]

With respect to the Britons or Welsh, I have transcribed the following remarkable passage from Lluyd's '*Breviary of Britain.*' "The Britons being aided with power from Bethrusius duke of Cornwall, Caduane king of Northwales, Meredoc king of Southwales, and heartened forward by the oration of their most celebrated abbot, Dunetus, who commanded, as our chroniclers report, *that every one should kiss the ground in remembrance of the communion of the body of our Lord, and should take up water in their hands forth of the river Dee, and drink it in commemoration of the most sacred blood of Christ which was shed for them;* who having so communicated, they overcame the Saxons, as Huntingdon reporteth, in a famous battle, and slew of them one thousand and sixty-six, and created Carduanus their king."[k]

§ 7. *Communion under both kinds.*

Bede relates that one Hildmar entreated saint Cuthbert to visit his wife before her death, "and to administer to her the *saeraments* of the body *and blood* of Christ."[l]

Capgrave relates of St. Bridget, that one of her miracles took place when she was "about to *drink out of the chalice.*"[m]

And, indeed, Lanigan, the Roman Catholic historian, concedes this point. "As to communion under both kinds (he observes) Usher might have saved himself the trouble of collecting passages concerning it; *for it is not denied that in old times it was practised in Ireland as well as everywhere else.*"[n]

§ 8. *The Seven Sacraments unknown.*

Archbishop Lanfranc complains in one of his epistles, that in Ireland infants were baptized without the chrism or consecrated oil. And this may perhaps explain the demand made by Augustine in the synod of Worcester, that the Britons should "solemnize the rite of baptism, whereby we are born again unto God, according to the custom of the holy Roman and Apostolic Church."[o]

St. Bernard reports that Malachi, who lived after Lanfranc's time, "*instituted anew* (in the Irish Church) the salutary practice of confession, the sacrament of confirmation, and matrimonial contracts, all of which they either knew not or neglected."[p]

[i] Lanig. iv. 269. Usser. ubi supra.
[k] Lluyd's Breviary of Brit. edit. 1573, 12mo. 71, &c.
[l] In Vitâ Cuthberti, c. 15, apud Usher. [m] Apud Usher, ubi supra.
[n] Hist. of Ireland, vol. iii. p. 310.
[o] Lanig. iii. 477; iv. 206-211. Bede, Hist. lib. ii c. 2.
[p] Bernardus, in Vitâ Malach.

He also says that such were the abuses of the Irish Church, that he had never before, "even among the most barbarous, observed the like. Christians by name, but in very deed pagans, not paying tithes, nor offering first-fruits, nor joining in lawful marriage, nor confessing their sins, none among them found either to receive or enjoin penance."[q]

Alcuin, in his Epistles, thus speaks of the Irish: "But it is said that none of the laity are willing to make their confession to priests whom we believe to have received from Christ (our) God, the power of binding and loosing as the holy apostles did."[r]

That they held not marriage to be a sacrament we learn from Sedulius, who reckons it among those things which "are gifts indeed but not spiritual."[s] But they also differed from the Church of Rome in two other respects. From the 29th canon of St. Patrick it would appear that their prohibited degrees of consanguinity or affinity were regulated according to the Levitical law; and from canon 26, that divorces were allowed for the cause of fornication.[t]

The following is a fragment of the Brehon law, translated by the learned T. O'Flanagan, from a MS. in the library of Trinity College, Dublin. It is a commentary upon these laws in question and answer, and contains the following remarkable passage:—

"*Question.* What are the three fundamental ordinances from which neither law, nor judgment, nor reason, nor philosophy can absolve?

"*Answer.* The holy Communion as contained in the holy Scriptures.

"Tribute, sanctioned by the three courses of the old law.

"The regeneration of life by water, whereby freedom from original sin is secured.

"Will any one (says O'Flanagan) deny this to be the Protestant religion? The ancient Irish mention but *two* sacraments as necessary, viz. "*the holy communion as contained in holy Scripture, and regeneration unto life by water;*" or, in other words, Baptism and the Lord's Supper."[u]

§ 9. *The Irish Clergy allowed to marry.*

St. Patrick, who was of British extraction, thus speaks of himself in his confession: "My father was Calphurnius, a deacon, the son of Potitus, a priest;" and Probus, Joscelinus, and all his biographers agree in the same account.[v]

In a synod which he held in Ireland, *circa* A.D. 450, there occurs the following remarkable canon: "If any clerk, from an ostiary to a priest, shall be seen without his tunic . . . . . *and if his wife* does

[q] Bern. in Vitâ Malach.
[r] Ep. 26, aliter 71.
[s] In Rom. i.
[t] See also Conc. Cassil. A.D. 1172, c. 1.
[u] Apud Betham, part II. p. 280.
[v] Usser. Disc. c. 5.

not go with her head veiled, let them be despised by the laity, and separated from the church."[w]

Gildas the Wise, who flourished in the sixth century, complained that the British bishops of his time were not content to be the husbands of *one* but of *many* wives.[x]

Nennius, the oldest British historian after Gildas, inscribes the work which is now extant under his name, "*to Samuel, the infant son of my master, Benlan the priest.*"[y]

Bede tells us, in his Ecclesiastical History, that Adhelmus, an abbot, "at the command of the synod wrote an excellent treatise against the error of the Britons, who not only celebrate Easter at an improper time, but act in very many respects *contrary to ecclesiastical chastity* and peace." Now what can "*ecclesiastical chastity*" mean, unless it be the law of celibacy, which the Church of Rome enforces upon her clergy?"[z]

Howel Dha, king of Wales, who flourished A.D. 940, decreed, that "if a clerk shall have a wife and a son born of her, and afterwards that clerk shall be raised to the order of the priesthood, if a son shall be born of the same wife after his consecration, the son first born ought not to have (an equal) portion with this son born afterwards."[a]

In the council of Westminster, A.D. 1173, can. 23, the custom of the Welsh, who *gave churches in dowry*, is severely censured; and Giraldus Cambrensis in his "*Descriptio Cambriæ*" tells us, that in Wales sons frequently succeeded to the churches held by their fathers, not electively but by inheritance,[b] adding, that they in this respect followed the tradition of their ancestors.

§ 10. *They neither worshipped Saints nor Images.*

Touching the worship of God, Sedulius plainly teaches us that "to worship any one besides the Father, Son, and Holy Ghost is impious:" and again, that "if the soul renders to any but God that homage which it owes exclusively to God, it commits (a spiritual) adultery."[c]

With regard to images we know from a treatise written by St. Patrick, that in Ireland the decalogue was not mutilated by the omission of the second commandment,[d] and also that Claude, bishop of Turin, one of the most determined iconoclasts on record, was a native of Ireland. Nor has Lanigan, the Roman Catholic historian, *attempted* to prove that the ancient Irish worshipped either saints or images—a most eloquent silence.

w Wilk. i. 2.
x Epist. de Excid. Brit.
y Usser. Disc. c. 5.
z Hist. lib. v. c. 19.
a Usser. Disc. p. 53-54.
b Wilk. i. circ. p. 474. Descriptio Cambriæ, lib. ii.
c In Rom. 1, n. 2.
d Spelm. Concilia i. 54.

§ 11. *They prayed for the Dead, but did not believe in Purgatory.*

Although we have every reason to believe that, like the rest of the Christian world, the ancient Britons and Irish prayed for the dead, it is abundantly evident from documents still extant, that this practice had no reference to the doctrine of purgatory.

Thus in St. Patrick's treatise *de tribus habitaculis*, no mention is made of any other place but heaven and hell. It begins thus—"By the will of God there are three habitations, of which the highest is called the kingdom of heaven; the middle one is called the present world; the lowest is called hell. The extremes are wholly contrary to each other, (for what fellowship has light with darkness, or Christ with Belial?); but the middle hath some similitude to the extremes, &c. Some of the inhabitants of this world are raised up to heaven, others are dragged down to hell; the blessed are invited to the kingdom prepared for them from the beginning of the world, the accursed are expelled into the eternal fire which is prepared for the devil and his angels."[e]

In an ancient Irish synod there occurs a canon to this effect: "Neither the archangel can lead a soul to life until God shall have judged it, nor the devil (*zabulus*) carry it to punishment till the Lord shall have condemned it."[f]

That they prayed for those whose souls were believed to be at that instant in a state of happiness, may be proved by a variety of examples cited by archbishop Usher. Thus, St. Columba caused all things to be prepared for the Eucharist when he had perceived the soul of St. Brendan received by holy angels:[g] and Bede relates that the like obsequies were celebrated by St. Cuthbert for a man of whom he said, "I have seen the soul of a certain saint carried by the hands of angels to the joys of the kingdom of heaven."[h] Walafrid, in his life of Gallus, says, "They began to celebrate mass and to be instant in prayer for the commemoration of St. Columbanus;" and on this occasion Gallus said to his deacon, "I have been taught in a vision that my lord and father Columbanus hath this day passed from the miseries of this life to the joys of Paradise; it is my bounden duty therefore to offer up the sacrifice of salvation *for his repose.*"[i]

Again, when St. Magnus died, a voice was heard exclaiming, "Come, O Magnus, come and receive the crown which the Lord hath prepared for thee:" whereupon Tozzo (a bishop) said, "Let us cease our lamentation, for we ought rather to rejoice since his soul has entered into immortality. But let us proceed to the church and sedulously offer unto the Lord the salutary victim for this our beloved friend."[k]

[e] Usser. c. 3, p. 23.
[f] In vet. cod. can. tit. 66 in Bibl. Cotton.
[g] Adamnani vita Columbæ, lib. iii. c. 15-16.
[h] Hist. lib. i. c. 26.
[i] Walafrid in vitâ Galli.
[k] Theod. vita Magni, lib. ii. c. 13 vel 28.

From the 6th and 7th canons of the council of Cashel, A. D. 1172, it would appear that masses for the dead had been very much neglected in Ireland before that period.

"*Can.* VII. That those who die with a good confession, a proper respect be shewn both by the celebration of masses, &c. and the mode of interment: also that all the divine offices be performed in every respect according to the rites of the holy Catholic Church, and of the Church of England."[l]

§ 12. *Church Government and other miscellaneous particulars.*

That the primitive British and Irish churches were episcopal has been proved in a former section, and I there also offered a few remarks respecting the validity of consecrations performed by a single bishop.

It would appear from a very ancient canon, that this practice was even sanctioned by Patrick the Romish emissary;[m] and Anselm complains that in his time (*circa* A. D. 1103) consecrations were performed in Ireland by one bishop without the presence of the metropolitan, and that episcopal sees were there multiplied at the discretion of the archbishop, so that almost every church had its bishop.[n]

St. Patrick, the Irish apostle, is indeed said to have consecrated *three hundred and sixty-five bishops* and three thousand priests;[o] but this must be evidently fabulous.

The primacy of Ireland was vested in Armagh, which for two hundred years became the property of one sept; nor was this hereditary system confined to that see, for we are told that of the family of St. Facharus, first bishop of Ross, no less than *twenty-seven bishops* were his successors in the diocese.[p]

It has been already noticed that in Ireland, till the year 1151, several Irish sees enjoyed the metropolitan dignity, though their prelates had never received palls from the Pope.[q]

As far as Britain is concerned, we learn from the Acts of the Council of Arles, that in the fourth century there were episcopal sees at York, London, and Colchester.[r] How many others there may have been does not appear, but Bede expressly tells us that seven British bishops attended the Council of Worcester, convened by Augustine, A. D. 601.[s] These were in all probability merely a deputation from the rest. The sees of those who were actually present are thus described by Bale: "Herefordiensis, Tavensis (*Llan Tavensis*), Paternensis, Banchorensis, Cluniensis (*Eluiensis*), Uniacensis (*Wiccensis*), Morganensis (*Menevensis*)."[t] And note that the Banchor here mentioned was situated in Cheshire, upon the

[l] Wilk. i. p. 473.
[m] Usser. Disc. c. 8.
[n] Ep. 142.
[o] Gale, Hist. Brit. p. 113.
[p] O'Halloran, Hist. i. 176.
[q] Supra, p. ix.
[r] Spelm. Concil. i. 43, 46, & 24.
[s] Lib. ii. c. 2.
[t] Johannis Bale, Antiq. Brit. apud Spelm.

Dee, and must not be confounded with the diocese of that name in North Wales.

The primacy of the British church was successively vested in the sees of Llandaff, Caerleon, and St. David's (or *Menevia*).[u]

We are told that the *pall* was transferred from St. David's about the year 559, when archbishop Sampson, at the time of the pestilence, fled to Dol in Britany, carrying his pall with him, and that the see last mentioned for a long time enjoyed the metropolitan dignity owing to this circumstance.[v]

Whether this pall was originally granted by the Pope, and if so when it was first received, can be only a matter of conjecture. For my own part I am inclined to believe, that about the time of St. David the supremacy of the see of Rome was at least partially admitted in Wales. This however can only have lasted for a very short period, as we find them soon afterwards vigorously resisting his authority, and vindicating the independence of their church.[w]

The Welsh bishops were however all consecrated by the bishop of St. David's till the reign of Henry I., after which time the archbishop of Canterbury extended his jurisdiction throughout the principality.[x] The unavailing efforts of Giraldus Cambrensis to restore the see of St. David's to its ancient dignity, form a pleasing episode in the history of the twelfth century. As a personal narrative his work "*De Rebus a se Gestis*" will be found highly entertaining; not the less so perhaps for the vein of harmless egotism which runs throughout. His latinity is pure beyond his age, and he has presented us with many historical facts of which there now exists no other record.

In his treatise "*de illaudabilibus Walliæ*," he accuses his countrymen of incest,[y] probably because they observed not the Romish table of prohibited degrees, which extends far beyond the requisitions of the levitical law. He also complains that in Wales churches were given in dowry, and that sons succeeded to their fathers' benefices by hereditary descent;[z] so that the law of priestly celibacy was not observed by the Welsh clergy even towards the end of the twelfth century. And Giraldus expressly says that they followed the traditions of their fathers in this respect.

He further tells us, incidentally, that in Wales it was very common for one church to have six or seven pastors.[a]

Respecting the monastic discipline of the ancient Britons and Irish, I must refer my readers to Bede's description of the monastery of Bangor,[b] and also to archbishop Usher's "*Discourse*," &c.

From Bede's account of the synod of Worcester, it is evident that there were hermits in Britain at that time, for we are told that

[u] Anglia Sacra ii. 517, 667. Wilk. i. 26.
[v] Alfordii Fides Regia, tom. ii. p. 68.
[w] Wilk. i. 26.
[x] Girald. de Jure et statu, Anglia Sacra ii. 517.
[y] De Illaud. Walliæ, Anglia Sacra, tom. ii. p. 450.
[z] Ibidem, item p. 525.
[a] Ibidem.
[b] Lib. ii. c. 2; and see in this book infra, p. 148.

before they went thither the British bishops consulted "*an anchorite, a wise and holy man,*"[c] as to the course which they ought to pursue.

No one could be ordained a priest in Ireland till he was at least thirty years old.[d]

Previously to the conquest of that country by Henry II. tithes had been very much neglected there, and the payment of St. Peter's pence seems to have been then enforced for the first time.[e] The latter observation also applies to Wales, where the Rome-scot was unknown in the days of Giraldus.[f]

The ritual observances of these early British Christians were, in all probability, far removed from the pomp and circumstance of the Romish church.

Thus we are told of Saint Columba, that "when every thing was ready for divine service, they being clothed *in white vestments*, as on a Sunday or other solemn occasion, proceeded to the church along with the Saint:" and in the 6th canon of the Council of Dublin, it was decreed that "the vestments of the church shall be clean, fine, *and white.*"[g]

We learn from the book of Armagh that incense and wax candles were first introduced into Ireland by the second Patrick;[h] and it is evident that before the year 1172 wooden altars had been generally in use in that country.

As to their churches, Bede expressly tells us that it was the custom of the Irish to build them "*of cleft oak and thatch them with reeds.*"[i] Wooden churches were indeed common even in England as late as the time of the Conquest, a fact which we learn from many parts of *Doomsday Book;* and the old wooden building which still exists at Greensted in Essex, is considered by antiquaries a most interesting relic of Anglo-Saxon times.

The Irish round towers, which are detached buildings contiguous to very ancient churches; a few crosses in Cornwall; a few inscriptions in Wales, of which fac-similies may be seen in Camden's Britannia, and *perhaps* the church of Peranzabuloe, of which an interesting account was published by the Rev. Mr. Collins in 1836, may have existed in Britain and Ireland during the time of their independence.

§ 13. *On the* "Cursus Scotorum."

It is an extremely interesting fact, that the ancient Irish church *had a Liturgy of her own*, which went by the name of the "*Cursus Scotorum:*" and although no MS. now exists *under such a title*, a Discourse on Liturgies, published by Spelman,[k] from a MS. now

[c] Lib. ii. c. 2.
[d] Lanigan, vol. iv.
[e] Wilk. i. p. 426.
[f] De Jure et Statu, Menev. Eccl. Anglia Sacra, tom. ii. p. 544.
[g] Lanig. Hist. ii. 178.
[h] Betham's Irish Antiquar. Resear. part ii. p. 291.
[i] Hist. lib. iii. c. 25.
[k] Vol. i. 167.

upwards of a thousand years old, happily enables us to ascertain its nature and contents.

In this discourse there occurs the following passage: "St. Jerome affirms, that St. Mark sung that Liturgy which is now called the 'Scottish,' and after him Gregory Nanzanenus (*sic*), whom Jerome calls his master, as well as St. Basil the brother of Gregory; . . . . . and afterwards St. Honoratus, who was the first abbot, and St. Cæsarius, who was bishop at Arles, and also St. Porcarius, who was abbot of the same monastery, sung this Liturgy (*cursum*), who had St. Lupus and St. Germanus as monks in their monastery; and these, in conformity with their (*monastic*) rule, sung this Liturgy there; and having afterwards, from the reverence in which their sanctity was held, attained to the supreme dignity of the episcopacy, they preached in Britain or Scotland, as the life of St. Germanus, bishop of Auxerre, and St. Lupus affirm."

Hence it appears evident that the *Cursus Scotorum* was, properly speaking, a *Gallican Liturgy;* and it is probable that it received its name after the age of Charlemagne, when (the Gregorian Liturgy having been received in France) its use may have been confined to Ireland.

Usher[l] tells us that the Gallican Liturgy was introduced into Britain by Germanus and Lupus; and Lanigan, the Roman Catholic historian, says, "It is indeed probable that the Gallican Liturgy, strictly so called, was introduced into Ireland during the second class of Irish saints;"[m] which is illustrated by a quotation which Usher makes, in his seventeenth chapter, from a very ancient catalogue of the Irish saints; to the effect that the saints of the second order "received the rite of celebrating mass from holy men of British extraction, viz. from St. David, and St. Gildas, and St. Docus."[n]

Under such circumstances, I am I think entitled to conclude THAT THE LITURGY ANCIENTLY USED BOTH IN BRITAIN AND IRELAND WAS ORIGINALLY BROUGHT FROM FRANCE; and I shall now take into my hands three ancient Gallican Liturgies, published by both Mabillon and Thomasius,[o] from MSS. more than a thousand years old, all of which throw considerable light upon the theology of the period at which they were written. They are as follows:

1. *The Gothico-Gallican Liturgy*, used by the Gauls, subject to the empire of the Visigoths—7th century.
2. *Missal of the Franes*, written in Gaul in the 6th century.
3. Another ancient *Gallican Missal*, 7th century.

[l] Brit. Eccl. Antiq. c. xi. fol p. 185.
[m] Vol. iv. 371.
[n] See also Flaccus Illyricus and Le Cointe ap. Stillingfleet's Origines Britannicæ, p. 202.
[o] Mabillon *de Liturgiâ Gallicanâ;* Thomasii *Codices Sacramentorum.*

The Mass a spiritual sacrifice.

These Liturgies supply us with many proofs that the mass was not then looked upon as a real propitiation for sin, since it is repeatedly called "*spiritale sacrificium.*"

1. Thus, in the Gothico-Gallican Missal, "*In Cœnâ Domini,*" the Preface begins thus: "Celebrating upon this day, my beloved brethren, the holy solemnity of the beginning of Easter, *and the salutary effigy of the Lord's sacrifice, transfused through a spiritual sacrifice by the offering of Christ,*" &c.[p]

"*Ex aliâ Missâ—super Oblata:*" "The shadows of carnal victims being removed, we humbly offer unto thee, O supreme Father, a *spiritual victim;* which, by a wonderful and ineffable mystery, is continually immolated, yet is always the same."[q] Also in the ancient Gallican Missal, "*De Adventu Domini—Post Communionem:*" "Being nourished with *spiritual food,* we humbly entreat thee, that, by the participation of this mystery, thou wouldest teach us to despise earthly things, and to desire those which are above."[r]

The words, however, "*spiritale sacrificium*", and other analogous expressions, as applied to the Eucharist, are of *constant occurrence.*[s]

2. The Eucharist is spoken of as a *sacrifice of praise,* and a *commemoration of our Saviour's passion.* Thus, in the Gothico-Gallican Liturgy, "*In Vigilia Natalis Domini—Post Mysterium,*" we read, "These things we perform, O holy Father, almighty and everlasting God, commemorating and celebrating the passion of thine only Son Jesus Christ our Lord." "*In Natale Agnes Virginis—Immol.:*" "Celebrating therefore his passion with this day's devotion, we immolate unto thee, the Lord our God, *a victim of praise.* And "*In init. Quadrigessimæ—Post Mysterium:*" "Let *the oblation of our devotion* be acceptable unto thee, O Lord," &c.[t]

3. The devout aspirations of the faithful are spoken of as a sacrifice offered up to God for the living and the dead: thus in the same Missal, "*Feria V. Paschalis—Post Nomina:*" "Having heard the names of those who offer, let us entreat the Lord of eternity that the fear of him, with purity of heart and charity, may continue in us for ever: For this is a salutary oblation; this is a true—this is a fat victim; these are pure libations, which are offered up for ourselves, and for the repose of the dead."[u] Also in the "*Missa Dominicalis—ad Pacem:*"[v] "O God, whose *most acceptable sacrifice* (*summum sacrificium*) is unity of soul, and *whose fattest holocaust* is a peaceful and pure conscience, grant unto us that this conjunction of our lips may promote the union of our souls." In the Gallican Missal, "*Orat. ad init. noctis Natalis Domini—Collectio:*" "Celebrating the salutary mystery of whose birth, *and offering unto thee as it*

[p] Mab. p. 237. [q] Ibid. p. 325. [r] Ibid. p. 334.
[s] See Mabillon, pp. 249, 335, and 347: also Thomasius, pp. 271, 337, and 435.
[t] Thom. pp. 264, 296, and 312. [u] Ibid. p. 344.
[v] Ibid. p. 386.

were the first-fruits of our devotions (*primitias precum*), we entreat," &c.[w]

4. The Eucharist is brought down to a level with other sacrifices, and is presented to the Father through the merits and intercession of the saints; which would have been blasphemy, had the compilers of these Liturgies looked upon the mass as a real offering up of Christ to God the Father. In the Missal of the Francs, "*Missa Quotidiana—super Oblata*," we read: "O God, who hast completed the various legal oblations by the perfection of *one* sacrifice, receive a sacrifice from thy devout servants, and sanctify it with an *equal* blessing (*with that wherewith thou didst sanctify*) the gifts of Abel."[x] Also, in the same Missal, "*In Natale Sancti Helarii—super Oblata*," "Grant, O Lord, that St. Helary as an intercessor may render acceptable in thy sight the sacrifice which we affectionately offer unto thee."[y] And in "*Orat. et Preces unius Martyris—super Oblata*," "Grant, we beseech thee, O Lord, that the venerable confession and prayers of thy holy Martyr may commend (unto thee) this our victim."[z]

5. It is moreover clearly intimated that the Eucharist is but a type of better things to come.[a] In one collect it is termed *pignus* (an earnest or pledge). In another we read, "Grant, O Lord, that we may receive with our hearts that which we have taken with our lips, that so from a *temporal* gift it may become an eternal remedy." In another, "that we who have reverently tasted with our lips sweet things, may in our hearts experience sweeter things."

Transubstantiation utterly unknown.

1. In the Gothico-Gallican Liturgy it is clearly intimated, that in the Eucharist we partake *spiritually* of the body and blood of Christ. Thus "*Missa prima in Rogationibus—ad Pacem:*" "Our bodily (*appetites*) being restrained (*restrictis corporibus*), thy refreshment, O Lord, is tasted in a contrite spirit. We therefore implore thee that we may discern in spirit that sweet food of thy love, which may inflame our hearts, unencumbered by (*temporal*) banquets, with the love of our neighbour."[b] Also "*In Die Nativitatis Domini—Post Com.*" there is a prayer, that "We who have *spiritually* received the holy body of our Lord Jesus Christ, being freed from carnal vices, may deserve to become spiritual."[c]

2. To the two following passages, which are totally inconsistent with the notion of a real and substantial change of the elements, I wish particularly to direct the reader's attention. The first is from the Gothico-Gallican Liturgy, "*In Diem Sanctum Epiphaniæ—Post Nomina*," and is a prayer to God, "that He who on this day, by his Son, miraculously converted the species of water into wine,

[w] Thom. p. 443. [x] Mab. p. 324. [y] Thom. p. 419.
[z] Thom. p 420. [a] Thom. p. 489; item Mabillon, pp. 190, 368.
[b] Mab. p. 263. [c] Thom. p. 265.

would also deign in a like manner to convert the oblations *and prayers* of (*us*) all into a divine sacrifice."[d] The other is from the ancient Gallican Missal, "*Missa S. Germani Epi—Post Eucharistiam:*" "Look (*upon us*) O Lord, who wishest the faithful both to feed on thy body, *and to become thy body:* grant unto us, for the remission of our sins, *that we may be that which we have received.*"[e]

3. As no Roman Catholic will contend that the angels or Moses ever received the Eucharist, my next quotation cannot be explained consistently with this doctrine. It is from the Gothico-Gallican Liturgy. *In init. Quadrigess.—Immolatio Missæ:* "For he is that living and true bread which came down from heaven, and which always dwells in heaven; who is the substance of eternity, and the food of virtue. For thy WORD, by whom all things were made, is not only the bread of human souls (*mentium*), but of the very angels. On the nourishment of this bread, Moses thy servant, when he received the law, fasted for forty days and nights, and abstained from carnal food, that he might be better qualified (*to partake of*) thy sweetness, living upon thy WORD. This bread, O Lord, deign to minister unto us during these forty days."[f] Also in *Missale Paschalis Tertiâ—Immolatio:* "It is worthy and just that we should render thanks unto thee, through Jesus Christ thy Son our Lord; by whom, quickening the human race, thou didst command the Passover to be celebrated by thy servants Moses and Aaron with the immolation of a lamb; and also that in memory thereof the custom should be observed in subsequent times, until the advent of our Lord, who was led like a lamb to the slaughter. *He is that immaculate Lamb who was immolated at the first Passover in Egypt; He is that ram taken from the thicket at the top of the high mountain, and destined for the sacrifice; He is that fatted calf slain in the tent of our father Abraham on account of his guests,—whose passion and resurrection we celebrate,*" &c.[g]

4. In the Gothico-Gallican Missal it is implied, that in the Eucharist *the fruits of the earth* are offered unto God. In *Adsumptione Sanctæ Mariæ—Post Mysterium:* "Grant, O Lord, that the coeternal and cooperating Spirit the Comforter may descend upon these sacrifices of thy benediction, that we may receive with a heavenly reward *the oblation which we offer unto thee from thy fruitful earth,* so that the fruit being translated into the body, and the chalice into the blood, that may add to our merits, which we have offered for our transgressions."[h] The expression "*translatâ fruge in corpore calice in cruore,*" is indeed very strong; but having been used *after consecration,* it becomes an argument in our favour: for as Roman Catholics believe that the miraculous change is effected by the words "*Hoc enim est meum corpus,*" it is contrary to their system to pray, after those words have been pronounced, that the

[d] Thom. p. 287. [e] Ibid. p. 435. [f] Ibid. p. 312.
[g] Ibid. p. 342. [h] Mab. p. 214.

Eucharist may become the body and blood of Christ: an observation which applies also to two remarkable passages cited by Mabillon in proof of transubstantiation.[i]

5. In the *Missale Francorum*, the form for the ordination of priests contains not the words now used in the Romish Church, "*Accipe potestatem offerre sacrificium pro vivis et defunctis.*" And altars were then consecrated "for the offering of *spiritual* sacrifices."[k]

6. There is no elevation of the host in order to its adoration, in these or any of the other ancient sacramentaries.

Communion under both kinds.

Missale Gallicanum, *in Symboli Tradit.—Post Eucharistiam:* "Having received, my beloved brethren, spiritual food, *and having tasted of the blood of Christ*, let us pray," &c.[l] Missale Gothico-Gallicanum, *in Vigil Natalis Domini—Post Com.:* "Being strengthened, my beloved brethren, with celestial food *and drink*, let us render thanks unto God, that we whom he hath deemed worthy to partake of the body *and blood* of our Lord," &c.[m] Also in the *Missa Dominicalis—Post Communionem:* "Being fed with the bread of life, *and having drank of the salutary cup*, let us, my beloved brethren, return thanks."[n] And in another *Missa Dominicalis*,[o] we read, "Having received the celestial sacrament of the body, *and being refreshed with the chalice of eternal salvation*, let us give thanks unto God."[p]

From a very ancient Liturgical MS. written in Ireland about the eighth century, and published by Sir W. Betham, it appears that the Irish laity formerly received under both kinds. It is an office for the Visitation of the Sick.

Let him administer to him the Eucharist, saying, "The body (*and*) *also the blood* of our Lord Jesus Christ, Son of the living God, preserve thy soul unto everlasting life."

It is also observable, that the form of anointing the sick in this MS. is much more simple than in the modern Church of Rome: "I anoint thee with consecrated oil, that thou mayest be saved for ever and ever." In the present day, the unction is repeated several times, being applied to all the organs of sensation.[q]

Saints' worship.

Although it must be confessed that there are several expressions in these Liturgies respecting the merits and intercession of the saints, which are inconsistent with the mediatorial office of Christ,[r] it is nevertheless certain that they contain not a single address to any of the saints, even in the offices expressly composed to do them

[i] See Mab. p. 227, and Thom. p. 394.
[k] Mab. p. 314.
[l] Mab. p. 347.
[m] Thom. p. 264.
[n] Ibid. p. 386.
[o] Ibid. p. 388.
[p] See also pp. 392, 394, &c., and Mab. p. 52.
[q] See Irish Antiq. Res. pp. 55, 56.
[r] See above p. xxviii.

honour, no, not even an *Ora pro nobis*, which is the least objectionable form of invocation. And with respect to the ancient Irish Visitation office, mentioned in the last section, it is perfectly unexceptionable in *every* respect.

The Gallican office moreover (according to Stillingfleet, p. 232,) "began with a peculiar confession of sin; and although it contains many forms of confession, that which is prescribed in the Roman missal (of confessing to the Virgin Mary and the Saints) is not to be found in any of them.

Image worship.

The three Gallican Liturgies which we are now analysing contain no traces of image worship, or of the superstitious practice of creeping to the cross on Good-Friday; although they were written at a time when (according to Thomasius, p. 73, &c.) the following rubric was in the Roman missal for that day: "*Rubric*—The above written prayers having been completed, the deacons enter into the sanctuary, and place upon the altar the body and blood of the Lord which remained from the day before. And the priest comes before the altar to adore and kiss the cross of the Lord. All these things being accomplished, all shall adore the holy cross, and communicate." The omission was indeed so striking, that Mabillon says in a note (p. 239), "*I am astonished* that no reference is here made to the different prayers which are usually chanted upon Good-Friday, with genuflexions preceding them."

Purgatory.

The prayers for the dead which occur in the Gallican Offices were certainly not offered with a view to their liberation from purgatory; but rather *that they might have a part in the first resurrection*, and that *they might be received into the kingdom of heaven.* The following prayer supposes them to be in a state of quiet and repose: "Remember also, O Lord, those who have preceded us with the sign of faith, *and sleep in the sleep of peace.* To them, O Lord, and to all *who repose in Christ*, we beseech thee to grant a place of refreshment, light, and peace."[s]

In the Gothico-Gallican missal we find the following prayers. *Orat. pro Spiritibus Pausantium:* "O Jesus Christ, our life and resurrection, grant unto our fellow-priests, and our beloved who have reposed in thy peace, the refreshment of the hoped-for mansion: and if any of them, deceived by the fraud of the devil, have polluted themselves with many stains of error, do thou, O Lord, who only art powerful, forgive them their offences; that those whom the devil gloried in as the companions of his damnation, he may lament, as being made through thy mercy the companions of thy joy."[t] Also in the *Missa Dominicalis* there is this prayer for the dead:

[s] E Missale Francorum, Mab. p. 326, &c.

[t] Thom. p. 332.

"Grant that they may pass into a state of repose, *and command that they be associated with thy saints and elect in the first resurrection*, that so they may be thy portion in the land of the living."[u] And in another *Missa Dominicalis—Post Nomina:* "We pray to thee also in behalf of those who have preceded us in the Lord's peace, that, being freed from the terrors of hell (*ut tartareo horrore segregatos*), and placed in Abraham's bosom, the Almighty may deign to raise them up in his first resurrection."[v]

Note. That prayer for the dead in the early church by no means implied a belief in purgatory, has been clearly established by the learned archbishop Usher, in a treatise written expressly upon the subject (republished in one of the early volumes of the TRACTS FOR THE TIMES), and also by Bingham (B. xv. c. 3. § 15). Believing in a middle state between death and the resurrection, and that no man could attain unto his "*perfect consummation and bliss*" before the day of judgment, the Fathers prayed "*for* the patriarchs, prophets, apostles, and martyrs, who had been since the world began; *but especially for the ever-blessed Virgin Mary*." (De Goar, Ευχολογιον, p. 78.) On the same principle we implore the Almighty in our Burial Office, "shortly to accomplish the number of his elect, and establish his kingdom;" a prayer in which those who are dead in Christ are as deeply interested as ourselves; for they without us have not been made perfect (Heb. xi. 39-40), nor will they belong to the church triumphant till that "*great and terrible day of the Lord shall come.*"

In addition to this general explanation there were certain *private* opinions of the ancients which throw a light upon this practice. Some (believing in the Millennium) prayed that their deceased brethren might have a part *in the first resurrection;* while others held the doctrine of a probatory fire at the end of the world, through which all the children of Adam, including the most illustrious saints, must pass, that their works might be *tried.* "This baptism (says S. Ambrose) will take place *after the end of the world*, when iniquity shall be thoroughly consumed in a furnace of fire." "Although a man should be a Peter or a John, he shall yet be baptized with this fire; yea, although he should be Peter, who received the keys of the kingdom of heaven, he yet must say, We have passed through fire and water, and thou hast brought us into our rest." "Peter shall be tried even as silver is tried, but I as lead: but if in me there shall be found no silver, alas! I shall be driven to the lowest pit of hell." (Ambrosii Homil. xx. in Psalm. 118.)

[u] Thom. p. 386. [v] Ibid. p. 394.

RECORDS

OF THE

ENGLISH AND IRISH CHURCHES.

CHAPTER I.

ON THE COUNCILS OF GREAT BRITAIN AND IRELAND.

THE subject matter of this preliminary chapter will, of course, require a different arrangement from the subsequent portions of my work. I shall in general conduct the reader through the volumes of Wilkins' *Concilia*, in a regular chronological order—that learned prelate having published the Acts of our various British Councils more fully than any other writer. As a sort of *Introduction*, I must however explain the nature and constitution of our national and provincial synods, and offer a few useful hints to the industrious student; and I cannot more appropriately commence than by giving him a brief analysis of this scarce and valuable work, which has formed the basis of my own. Its title is as follows:—
CONCILIA MAGNÆ BRITANNIÆ ET HIBERNIÆ, folio, *Lond.* 1737.

The first three volumes (with which we are chiefly concerned) comprise our Ecclesiastical records from the earliest period till the Reformation; and in the fourth, they are carried down to the year 1717.

Vol. I. from A.D. 446 to A.D. 1265, pp. xxxiv.–763,
„ II. from A.D. 1268 to A.D. 1349, pp. 752.
„ III. from A.D. 1350 to A.D. 1545, pp. 877.
„ IV. from A.D. 1546 to A.D. 1717, pp. 806.

The following may be considered as a summary of their contents:

1. Decrees of the Witenagemot, relating to the Church.
2. Ecclesiastical Synods, whether National, Provincial, or Diocesan.
3. Papal Bulls, Letters, and Rescripts.
4. Constitutions of Otho and Othobon, legates to the Pope.
5. Provincial Constitutions of the Archbishops of Canterbury and York.
6. Royal Grants and Charters relating to the Church.
7. Letters, Canons, &c. of private Bishops.
8. Extracts from the ancient Monkish historians.

Other works upon the same subject, with which I am acquainted, are far from being complete: their titles, however, may assist the reader in his researches.

Squires' *Anglo-Saxon Laws;* Lambardi Αρχαιονομια; and *Leges Anglo-Saxonicæ,* edit. D. Wilkins, are chiefly confined to the Anglo-Saxon period.

Concilia, &c. in Re Ecclesiasticâ Orbis Britannici, by Sir Henry Spelman; of which only two volumes were published in 1639: it was to have been completed in three.

Provinciale, &c. auctore Gulielmo Lyndwode. This work, which is a commentary on the *Provincial Constitutions,* the reader will find exceedingly useful.

Synopsis Conciliorum, &c. by Lawrence Howel, is tolerably executed till about the end of the 12th century, after which it becomes meagre and unsatisfactory.

Johnson's *Collection of English Ecclesiastical Laws,* contains some excellent notes, of which I have often availed myself with acknowledgment, and is decidedly a valuable book, though an imperfect one.

A collection of *Ancient Laws and Institutes of England* has been published by the Record Commissioners within the last few years. The only complete copy of Archbishop Theodore's *Pœnitential* is to be found there.

Bishops Beveridge and Gibson have written upon this subject: the former in his *Synodicon;* the latter in his *Codex Juris Ecclesiæ Anglicanæ,* which is a sort of *digest* of ecclesiastical law, and will be found very useful when the student desires to see at one view the various canons which relate to a particular subject.

Sir James Ware published the Canons of the Irish Church; and the *Leges Wallicæ*—the Canons of the Welch Church, have been also collected and published separately.

The following *Glossaries* will be found eminently useful. Hickesii *Thesaurus;* Lhuyd's *Archæologia Britannica,* (which comprehends Saxon, Welch, and Irish Dictionaries); Spelmanni *Glossarium;* Adelung's *Glossarium,* compiled from Carpentarius, and Du Cange. There is also an excellent Glossary at the end of Wilkins' *Leges Anglo-Saxonicæ;* and there are several glossaries of Latino-barbarisms in the large quarto editions of *Ainsworth's Latin Dictionary.* At the end of Matthew Paris' *Historia Major* (edit. Watts), Twysden's *Scriptores Decem,* and other similar works, useful glossaries are also to be found. But Du Cange's Glossary with Carpentarius' Supplement, included in ten volumes folio, will of course be preferred to any of the above, whenever the student is able to gain access to it. This Glossary was published in six volumes, A.D. 1733, and its supplement in four volumes, A.D. 1766.

The laws of the Anglo-Saxon church were often enacted, not by ecclesiastical synods, but by the great Council of the realm, in common with others of a purely secular nature; it is therefore expedient

that I should give the reader a brief outline of the nature and constitution of

The Witenagemot.

or *Council of wise men*, otherwise called "*Mycel Synod*" (or the *Great Council*), and which has been justly considered as the first rudiment of our present legislative body, the Parliament.

The Preface to the Laws of Ina, king of the West Saxons, clearly points out the various classes of persons of whom it was composed. "I, Ina, by the grace of God king of the West Saxons, with the advice and suggestion of Cenred my father, and Hedda my bishop, and with all my aldermen, and the wise elders of my people, and also with a great concourse of the servants of God—have decreed, &c."[a] Here, besides the king and his father, mention is made—1. of the *Bishops*. 2. *Aldermen*, or the governors of counties, afterwards called by the Danes, *Earls*. 3. The *Wites*, or wise men of the kingdom. 4. "A great concourse of the servants of God," who probably attended merely as spectators.

Respecting the third of these classes,—viz. the *Wites*, or wise men,—a great difference of opinion has existed among antiquaries. Some have maintained that they were *the representatives of the people;* but for this there is not a shadow of proof, and the opinion has now I believe no advocates.[b] Others supposed them to have been men appointed to sit in the national assembly *on account of their wisdom*. Hume and others have, however, with a greater show of probability, asserted that they were lesser Thanes, or considerable landed proprietors, who sat in the *Witenagemot* without any election;[c] the members having been almost always termed *Principes, Satrapæ, Optimates, Magnates, Proceres, &c.* terms evidently aristocratic. In these assemblies, the bishops and abbots, *and even abbesses*, sat by virtue of their *spiritual* dignity, and not as *temporal barons:* and even after the Conquest, the writs of summons were directed "*electo et confirmato,*" before the restitution of the temporalities. From the reign of Edward I. to Edward IV. inclusive, these writs were often sent to the *guardians of the spiritualities*, during the vacancies of bishopricks. The writs of summons also preserve the distinction between *Prælati* and *Magnates:* and whereas temporal lords are required to appear "*in fide et* LIGEANTIA," bishops are summoned "*in fide et* DILECTIONE."[d]

The Witenagemot was usually assembled on the three great festivals of Easter, Pentecost, and Christmas; when the king appeared in his royal robes, and enacted laws with the consent of its members.[e]

[a] Wilk. i. 58.
[b] Hallam, Middle Ages, ii. 136, &c.
[c] Hume's Hist. 1st Append.
[d] Burn's Eccl. Law, voce *Bishop*, i. 217, &c. and Hume's 1st Append. N. i. 175.
[e] Spelm. i. 347, 529, 534. Also, Quart. Rev. June 1826, pp. 260—268.

Ecclesiastical Synods.

Ecclesiastical Synods, whether national or diocesan, next claim our attention. The former, as Doctor Kennet has clearly proved, were originally convened by the authority of the Metropolitan, and the latter by the bishop of the diocese, in virtue of their spiritual jurisdiction, nor was the royal sanction considered necessary.[f] This inherent power in the Church was indeed recognised by all our kings till the reign of Henry VIII., when it received its death-blow, about A.D. 1534. In the year 1532 it had been proposed by the king to the Convocation—"1. That no constitution or ordinance shall be hereafter by the clergy enacted, promulged, or put in execution, unless the king's highness do approve the same:" and "2. That whereas divers of the constitutions which have been heretofore enacted be not only prejudicial to the king's prerogative, but also much onerous to his highness' subjects, it be committed to the examination and judgment of thirty-two persons,—viz. *sixteen of the upper and lower house of the temporality*, and sixteen of the clergy; *all to be appointed by the king's highness*, so that such of the said constitutions as deserve to be abrogated and annulled may be of no force, and that those which stand with God's laws and the king's may stand in full strength and power *by the royal assent given to the same*." Two years however elapsed before the clergy could be prevailed upon to make an unconditional surrender of their rights. Then it was provided, by their '*Act of Submission*,' (25 Hen. VIII.)—1. "That the convocacions of the same cleregy is, always hath ben, and aught to be, assembled onely by the kingis wrytt." 2. They promised *in verbo sacerdotii*, "That they will never from hencefurth put in uce or enact, promulge, or execute any newe canons, &c. in the convocacion, oncles the kingis most roiall assent and licence may to them be had." 3. "That whereas divers constitucions, canons, &c. whiche heretofore hath ben enacted be thought not onely to be muche prejudiciall to the kingis prerogative roiall, and repugnant to the lawes of this realme, but alsoe overmuche onerouse to his highnes and his subjects, the said cleregy hathe most humbly besought the kingis highnes that the said constitucions and canons may be committed to the examinacion of his highnes and of xxxij personnes of the kingis subjects, whereof xvj be of the upper and nether hows of the parliament of the temporalitie, and other xvj be of the cleregy of this realme, and all the said xxxij personnes to be chosen and appointed by the kingis majestie," that they might be abrogated, modified, or confirmed. This was the foundation of an act of parliament to the same effect, with a penalty of fine and imprisonment "at the kingis will" to "everie one of the said cleregy doyng contrary to this act." "By the same act all appeals to Rome were again condemned." If any party found

Kennet, Ecclesiast. Synods, &c.

themselves aggrieved in the Archbishops' Courts, an appeal might be made to the king in the Court of Chancery, and the Lord-chancellor was to grant a commission under the great seal for some delegates, in whose determination all must acquiesce.[g]

National Councils, Ceremonies, &c.

The following account of the ceremonies observed by the Scottish bishops assembled in Council,[h] taken from a document dated A.D. 1225, may not be unacceptable to the reader. "Let the bishops be first vested in their albes, amyts, festal copes, mitres, and gloves, having their pastoral staves in their hands. The abbots in surplices and copes, and such as have the privilege, with mitres. Let deans and archdeacons be vested in surplices, almuces, and copes; the rest of the clergy being in decent attire. Then let two taper-bearers (*ceroferarii*), vested in albes and amyts, and with burning tapers, walk before the deacon who is to read the Gospel, '*I am the good shepherd*'; and he shall also be attended by a subdeacon. And let the said deacon entreat a blessing from the guardian (*conservatore*), if he be present, or in his absence from the senior bishop. At the conclusion of the Gospel, let the book be kissed by the guardian and by each of the bishops (present). Then let the guardian begin the hymn '*Veni Creator Spiritus*,' and at each verse let the altar be censed by the bishops. This being concluded, let the appointed preacher begin his sermon at the horn of the altar, having first received a blessing from the guardian. The sermon being ended, let those who are cited to the Council be called, and let such as are absent be fined." The decrees were to be read with a loud voice, after which there was pronounced a general sentence of excommunication, (*i.e.* a sentence against all adulterers, all violators of the rights and privileges of the Church, and so forth, without specifying names). Every bishop in his turn, beginning with the bishop of Saint Andrew's, was bound to preach the sermon before the Council, either in person or by proxy, and at every Council one of the bishops was elected *guardian of the canons* for the following year. All the bishops were obliged to continue at the Council for three days, should it be necessary.

In the Council of London, A.D. 1309, "The Mass of the Holy Ghost was first celebrated by the Bishop of Norwich, after which the Archbishop propounded the word of God in Latin, and inveighed against the uncanonical election of bishops. At the conclusion of his sermon he granted an indulgence of forty days to all who were present at his discourse, confessed and contrite; and afterwards explained the reason why the Council had been assembled."[i]

In the Council of London, A.D. 1075, it was decreed that no person under the rank of a bishop or an abbot should be allowed to

[g] Wilk. iii. 749, 750, 752—755, 770, 779. Burnet's Reform. folio, vol. i. Book ii. p. 147.

[h] Wilk. i. 607.

[i] Wilk. ii. 304.

speak without the express permission of the Metropolitan:[k] and indeed there is no instance in which the inferior clergy concurred with the bishops in ordaining any ecclesiastical matter before the time of Boniface, Archbishop of Canterbury.[l]

In England, as well as everywhere else, the decision of the Council was frequently biassed by the opinion of one celebrated individual; as might be proved by a variety of examples.

Before the Conquest, the synodical acts were first read in Latin, and afterwards explained in the Anglo-Saxon dialect;[m] the bishops then approached the president according to the order of their consecration, and confirmed them upon a cross held in his hand; after which they subscribed their names to the canons, accompanied by the sign of the cross:[n] seals being then almost unknown in England.

Bishops were expected to carry with them to their respective dioceses the canons of Councils at which they had been present, and to enforce their observance within the extent of their jurisdiction, an assembly of the clergy being convened for that purpose.[o]

Diocesan Synods.

Diocesan Synods were held twice a-year, viz. one in summer and the other in autumn, and continued for three days each time. At these all the clergy of the diocese were expected to attend, on pain of suspension from the celebration of mass for a whole year. They were to be vested in surplices, or else in albes and copes, and to enter the synod fasting. At the opening of the synod, they all walked in procession, chanting the litany, a cross being borne before them. In the middle of the place where it was held, there was to be a sort of desk or seat with reliques and vestments[q] upon it, in the same manner as the Bible used to be placed in the middle of the ancient Councils.[r]

To these diocesan synods every priest was expected to bring books and vestments for divine ministration, as well as an acolyth and a discreet attendant, that the bishop might judge of his capability to celebrate mass: and he was also to bring with him three days' provision, with ink and parchment for writing down his instructions. He was to give notice to the synod of any notorious evil livers in his parish; also of any sentences of excommunication which he had pronounced; and to render to the bishop an account of the fruits of his ministry. [See Canons made in King Edgar's reign, A.D. 960, can. 3–6; and Theodulph's Capitula, cap. iv. et xxviii. A.D. 994, &c.]

[k] Wilk. i. 363.
[l] Johns. ii. ad an. 1298, Note.
[m] Concil. Cealchythe, A.D. 785.
[n] Ibid. Postscript et cap. 20.
[o] Ibid. A.D. 816, cap. 9; et Concil. Cloveshoviæ, A.D. 747, cap. 25.
[p] Howel, Synopsis, p. 79.
[q] Ibid.
[r] Cabassutii Notit. Concil. cap. xiv. p. 72.

In the order for the celebration of diocesan synods, published by Spelman, Howel, and Wilkins,[s] there is a very obscure passage relating to the laity. After the priests and deacons had entered the synod, the following direction occurs: "Exinde introducantur laici bonæ conversationis, vel qui *electione conjugali* (?) interesse meruerint." What this may mean I am at a loss to conjecture. Can it allude to an election, by the respectable householders and *married men* in a parish, of one or more of their own body to represent them in the synod; or the unanimous voice of the assembled clergy?

Miscellaneous Gleanings.

In general Councils of the Western Church, the Archbishop of Canterbury had the precedence of all the other archbishops,[t] and, as a mark of distinction, had a seat assigned to him at the right foot of the supreme pontiff, being "*quasi alterius orbis Papa.*"[u]

In the Lateran Council, A.D. 1179, "the English bishops strenuously maintained that it was not customary for more than *four* English bishops to attend an Œcumenical Council."[v]

The convocation of the province of York adopted the constitutions of the province of Canterbury for the first time in the year 1462, in the time of Archbishop William Booth, when it was unanimously determined that such decrees of the province of Canterbury as were not prejudicial to those of York, should be received and incorporated with them, and for the future be observed as law.[w]

The earliest of our British Councils was that of Verulam, in the year 446, convened by Germanus and Lupus in opposition to the Pelagian heresy.

Councils were exceedingly rare in the fifth and ninth centuries, in consequence of the ravages of the Picts and Scots, the Saxons, and subsequently the Danes.

Of Legatine Councils, I know of only two instances before the Conquest: viz. that of London, in the year 712; and that of Cealchythe, A.D. 785; nor did they prevail in England to any extent anterior to the reign of Henry III.

The struggles of many of our kings against the papal jurisdiction, and their refusal to admit the legates of the Bishop of Rome into their dominions, will be noticed in the introduction to the next chapter.

Convocations, their origin, &c.[x]

"In ancient times the English clergy were summoned to *the great Council of the realm* by a royal brief, directed to the arch-

[s] Wilk. iv. 784.
[t] Burn's Eccl. Law, voce *Bishop*, i. 197.
[u] Foxe's Acts and Monum.
[v] Howel, p. 100.
[w] Wilk. iii. 580.
[x] Epitomised from the *Dissertatio Epistolaris*, at the beginning of Wilkins' *Concilia*.

bishop of the province, who notified the same to his suffragan bishops, and they to their clergy.

"In the year 1282, King Edward I. impoverished by his expedition against the Welsh, by his royal brief, directed to the Archbishop of Canterbury, commanded him to convoke his suffragans, abbots, &c. with the procurators of the several deans and chapters of the cathedrals, to appear before the king and his commissioners in parliament at Northampton. The majority, however, considering this a dangerous precedent, absolutely refused to attend; but the archbishop compromised the matter by assembling a provincial synod of his suffragans at a different time and in a different style, in which the question was entertained of a grant to the king out of the ecclesiastical revenues.

"Thus began the practice of convening the clergy by the provincial summons of their Metropolitan, till the king, perceiving that the papal authority alienated the minds of the archbishops from him, so that they would only summon and dismiss the clergy according to his pleasure, in the 23rd year of his reign added to his brief of summons a premonitory clause to each bishop, to convene the abbots and inferior clergy of his diocese to parliament, to treat of affairs which concerned the safety of his kingdom. In the reign, however, of Edward III. the clergy, perceiving that they were summoned to parliament for no other purpose than to grant subsidies, absolutely refused to make any grants to the king except in their provincial councils; which produced the desired effect.

"Originally the inferior clergy were represented by the archdeacons of the diocese; but afterwards they appointed their own representatives, two of whom were to appear from each diocese in convocation, and a prolocutor was chosen, who had the privilege of freedom from arrest."

I have epitomised the above from the *Dissertatio Epistolaris de veteri et modernâ synodi Anglicanæ Constitutione,* at the beginning of Wilkins' *Concilia,* pp. vii. ix. x. xx. xxij.

Hence it would appear, that the convocation had a *secular* origin, the clergy having been called together by royal authority and with a view to their taxation; though in later times it assumed a synodical character, and enacted ecclesiastical laws.[y]

It has been already observed, that the act of parliament passed A.D. 1534 (25 Hen. VIII.), was a death-blow to the legislative power of the clergy in matters spiritual, and from that time the convocation has been but "*the shadow of a shade*"; a periodical mockery to which the Church prudently submits, in the hope that she may hereafter recover the *substance* of her rights.

A very mild and temperate expostulation was addressed by the clergy to the king before this fatal and tyrannical enactment was carried into effect:—"That we your most humble servants may not submit the execution of our charges and duty, certainly prescribed

[y] Ex. Gr. Wilk. iii. 351.

by God, to your highness' assent, although in very deed the same is most worthy for your most princely and excellent virtues; nor doth the granting thereof depend on our will and liberty."

In reply to the supplication of the commons, in 1532 they conceded that, in consequence of the king's piety, wisdom, and learning, —"*During your highness' natural life* we shall forbear to enact any constitution or ordinance unless your highness, by your royal assent, shall license us so to do, and unless the same so made shall be approved by your highness' authority. And, secondly, we are content to submit all and singular of the said constitutions to your grace only; and whichsoever of the same shall be finally found by your grace prejudicial or overmuch onerous, we offer and promise your highness to moderate, or utterly to abrogate and annul, the same." This is immediately followed by a sort of protest or declaration: "That the prelates of the same church have a spiritual jurisdiction and judicial power to rule and govern in faith and good manners, necessary to the souls' health of their flocks unto their cure committed; and that they have authority to make and ordain rules and laws tending to that purpose, which rules and laws hath and doth take their effect in binding all Christian people: so that, before God, there needeth not of necessity any temporal power or consent to concur with the same by way of authority."[z]

As an appropriate conclusion, I shall refer the reader to a letter of King Henry VIII. A. D. 1534, for the observance of the Reformed ecclesiastical laws, and abrogating totally all laws and edicts of the Popes formerly observed in this realm of England.[a]

[z] Wilk. tom. iii. pp. 750, 752, 753.

[a] Wilk. iii. 779.

CHAPTER II.

ON THE ORIGIN, PROGRESS, AND DECLINE OF THE PAPAL AUTHORITY IN ENGLAND.

§. I.—*On the origin of the Papal authority in England.*

When we reflect that Augustine, the Apostle of the English, was an emissary of the Pope, it will not appear surprising that our Anglo-Saxon ancestors should have considered the Roman as their mother-church, or that they should have contemplated with the profoundest veneration the source from which their Christianity was derived. But, independently of this general motive to respect, it will not be denied, that in the seventh century, the date of our conversion, the Church of Rome was looked upon as the centre of Catholic unity, and the Pope as the successor of S. Peter, who is called by Bede "*Princeps Apostolorum.*"[b] Those, however, who are acquainted with ecclesiastical history, will recognise a vast difference between the claims of a Gregory and a Hildebrand; as evidently appears from Gregory's letter to Eulogius, Bishop of Alexandria, which may be seen near the beginning of the chapter. What the Anglo-Saxon Church held respecting the primacy of S. Peter, is clearly ascertained by the following extract, taken from the homily, *In Natale unius Apostoli.*[c] "The Lord said unto Peter, *Thou art stony*, for the strength of his belief, and for the stedfastness of his confession. He took upon him that name because he submitted himself to Christ with a constant mind; to Christ, who is called 'THE STONE' by S. Paul—*I mill build my church upon this stone, i. e.* upon the belief which thou confessest. All God's church is built upon this stone, *i.e. upon Christ;* for he is the ground-wall and foundation of all the building of his own church." Also in the *Sermo Catholicus de Sancto Petro*, we read, "Christ is called *Petra, i. e.* stone, and from that name *all Christian folk* are called *Petrus.* Christ said, *Thou art stony, and upon this stone, i.e.* upon the belief which thou confessest, *I build my Church.* Over me I build thee, not me over thee. I am the strength that shall support thee and all the building of the Christian Church."

[b] Hist. lib. ii. c. v. & vi.
[c] Elstob's Anglo-Saxon Homily, Pref. pp. xxxvii. & xli.

For the influence possessed by the see of Rome in the middle ages, it is not very difficult to account. Monarchs were naturally anxious to conciliate a potentate who could by his *fiat* absolve the subject from his allegiance, or expose the kingdom to all the horrors of an *Interdict*.[d] The clergy were alternately allured by his almost boundless patronage, or awed into obedience by the dread of ecclesiastical censures. Such as proved refractory were frequently suspended or deprived; and in the course of Chapter III. §. 1, the reader will find an account of the translation of Archbishop Arundel from Canterbury to the poor see of S. Andrew's![e] The oath of canonical obedience, which bishops and abbots took at the time of their consecration, bound them more firmly to the Pope than ever vassal had been to his feudal lord:[f] and the *pall* must also be considered as a badge of slavery, and an instrument of papal despotism. It is true that it was looked upon as a mark of distinction; but the slavery is not the less real because the chain happens to be made of gold.

§. II.—*On the abuses to which the Papal authority gave rise.*

1. Among the most glaring of these abuses, was the system of extortion pursued in this country by the Pope. Not contented with the regular payment of the *Romescot*, or the annual tribute of 1000 marks granted by King John, he never neglected any opportunity of enlarging his revenues at our expense. Thus, for example, *Annates*, or the first year's income of a vacant diocese or living, were exacted from all whom the Pope appointed by *Provision* or *Reservation*.[g] The sum paid by metropolitans for the *pall* was most exorbitant; so much so, that Kanute, during his visit to Rome, made a formal complaint of it.[h] The twelve French archbishops paid for their *palls* 60,300 pieces of gold (*aureorum*), and the Archbishop of Mentz, 30,000 pieces of gold![i] The pall was a vestment made of white wool, with crosses worked upon it, and still forms a part of the armorial bearings of the sees of Canterbury, Armagh, &c.[k] Privileges, dispensations, indulgences, &c., were also considerable sources of emolument to the Pope. Very frequently, especially in the reign of Henry III., he demanded of the clergy a clear tenth of their income;[l] and, on one occasion, levied in England to the amount of 80,000 marks,—*thought equivalent to the entire specie of the kingdom!*[m]

2. *Papal Provision* was in the middle ages carried to such an extent, that some of the richest pieces of preferment were possessed

[d] See in this chap. Wilk. i. 526, and N.
[e] Wilk. iii. 246.
[f] See in this chap. Wilk. i. 633, and N.
[g] Polydore Vergil de Invent. &c. lib. viii. c. 2.
[h] See in this chap. Wilk. i. 297.
[i] Sleidani Com. edit. Badii, 1559, pp. 205, 377.
[k] See the Frontispiece.
[l] In this chap. Wilk. i. 620, 622.
[m] Smollett's Hist. ii. 283, &c.

by foreigners and non-residents, to the obvious detriment of the patrons whose rights were unjustly usurped, of the English clergy, and the people generally. There will be found in the course of my work several instances of the appointment of bishops, and even archbishops, by the Pope, without any canonical election.[n]

3. Appeals from the decision of the Metropolitan to a foreign jurisdiction, too distant to be well acquainted with the circumstances of the case, and too avaricious to refuse a bribe, were utterly subversive of ecclesiastical discipline.[o]

4. The legatine power, which sometimes placed a deacon or a subdeacon above an Archbishop of Canterbury,[p] was also a manifest encroachment upon the rights of metropolitans.

5. Sometimes the Pope granted to monasteries bulls of exemption from episcopal jurisdiction;[q] or freed a suffragan from the authority of his archbishop.[r] His power was vexatiously exercised on one occasion, by despoiling the province of Canterbury, in order to erect the see of Lichfield into an archbishopric:[s] so that the clergy have no reason to complain of having lost any real power by the Reformation.

Many *secular* complaints of the extortions and usurpations of the see of Rome, will be found in the histories of Matthew Paris, Walsingham, &c. See also Reynolds' *Dissertation.*

§. III.—*The resistance of our Kings to the Pope's authority.*

1. The opposition of the British bishops to Augustine, the Pope's legate;[t] the celebrated controversy respecting Easter and the Tonsure, in which the Britons, Irish, and Picts maintained their own traditions against those of the Church of Rome;[u] and the spirit of independence exhibited by Alfrid, King of Northumbria, and by Archbishop Theodore, in the case of Wilfrid,[v] will be mentioned in regular chronological order.

2. Of William the Conqueror it was said by Ralph Higden, that "he governed all things, whether ecclesiastical or secular, according to his will; he would admit no person into his territories in the Pope's behalf, unless such was his pleasure; he would suffer no council to be assembled in his dominions without his consent, or any thing to be defined there unless through his dictation."[w] When the legate of Pope Gregory VII. demanded that he should do homage to the Apostolic see, his answer was—"I have been unwilling to do fealty to you hitherto, and will not do it now; because I have never promised it: nor do I find that any of my predecessors performed it to any of yours."[x] And we find the

[n] See in this chap. Wilk. ii. 424.
[o] See in this chap. Wilk. ii. 259, N.
[p] Ibid. Wilk. i. 315, N.
[q] Ibid. Wilk. ii. 259.
[r] Ibid. Wilk. ii. 275.
[s] Chap. iii. §. 1; Wilk. i. 152.
[t] In this chap. Wilk. i. 24, 25.
[u] Ibid. Wilk i. 37, 75.
[v] Ibid. Wilk. i. 44, 55, N.
[w] Usser. de Success. Eccl. c. vii. p. 94.
[x] Ibid. c. vii. p. 93.

same Pope complaining of him in the following terms: "The holy Roman Church has *many* just grounds of complaint against him. For no king, *although he were a pagan*, hath presumed to attempt against the Apostolic see what he hath done; by irreverently and impudently prohibiting bishops and archbishops from visiting the thresholds of the Apostles."[y]

3. In a letter to Pope Urban, Archbishop Anselm thus speaks of William II. "The king desireth of me that I should consent to his pleasures, which are against the law of God; for he would not have the Pope received or appealed to in England without his commandment, neither that I should receive a letter from him, or obey his decrees. He suffered not a council to be kept in his realm now these thirteen years since he was king."[z]

4. According to Eadmer, Henry I. obtained from Pope Calixtus the same privileges which his father had enjoyed in England and Normandy, "and especially that no person should be permitted to exercise the legatine office in England, unless at his own express desire."[a] At the beginning of this reign, the Pope had sent Guy, Archbishop of Vienna, in quality of legate, with a power extending over the whole island; but the English clergy, looking upon this envoy as an encroacher upon their privileges, remonstrated in such a manner, that the king would not allow the legate to exercise his authority in England. And on another occasion, when the Abbot Anselm, nephew to the primate, was appointed papal nuncio to England, Henry consulted his bishops, who unanimously declared this legation to be contrary to the rights and privileges of the Anglican Church.

5. During the banishment of Thomas-à-Becket, King Henry II. prohibited all appeals to Rome, the payment of *Peter's Pence*, &c., and said to two of the cardinals, "By the eyes of God, I neither regard you nor your excommunications, any more than I do an egg."[b]

6. In the reign of Richard I., A.D. 1189, the Cardinal Anagni was sent as legate by the Pope to adjust a misunderstanding between the archbishop and the monks of Canterbury: but the king forbad him, by a mandate, to proceed farther than Dover without his express order. Yet, when Richard had effected an accommodation, he invited the legate to Canterbury.

7. When he was threatened with an interdict for his contumacy in refusing to admit Stephen Langton to the see of Canterbury, King John, in a violent rage, swore by God's teeth, that if the Pope dared to attempt any thing of the kind, he would immediately send to him all the prelates and clergy of England, and confiscate all their effects. The actual fulmination of the sentence, however,

[y] In this chap. Wilk. i. 93.
[z] Foxe's Acts and Monum. i. 211. See also in this chap. Wilk. i. 371.
[a] Usser. de Success. Eccl. c. vii. p. 95.
[b] In this chap. Wilk. i. 445.

marvellously altered his tone. The history of this interdict, and the base submission of King John before Pandulph the legate, may be seen in this chapter.[c]

8. During the long reign of Henry III. the Church of England suffered grievously from the manifold extortions of the Pope; and that weak, vacillating monarch, instead of protecting his subjects, (to adopt the words of Matthew Paris), "made himself such a slave to the will of the Roman legate, that he appeared to worship his very footsteps; affirming both in public and private, that he could neither alter, alienate, nor dispose of any thing without the consent of his lord the Pope, so that he could not be called a king, but the Pope's vassal:" nevertheless, so insatiable was the avarice of the pontiff, that even *he* was occasionally roused to active opposition. Thus for example, in 1244, when a new extortioner came to England, armed with extraordinary powers of excommunication and suspension, the king interposed his prohibition; and in 1244, he not only commanded the ports to be closed againsnt the nuncios of the Pope, but that any man presuming to levy contributions on the authority of his bulls should be seized upon and imprisoned. In this reign Grostete, Bishop of Lincoln, vigorously and successfully opposed the system of papal provision in his diocese; absolutely refusing to collate foreigners to benefices upon the Pope's presentation: and when a threatening brief was sent to him from Rome, he is said to have torn it and trampled it underfoot.[d]

9. In the reign of his son, Edward I., there were many complaints against the system of "*provision*," &c; but though the clergy were heavily taxed, these subsidies were in most instances granted to the king, to assist him in the wars which he carried on against Scotland and Wales. The king on one occasion very properly fined William de Gaynesburgh (elect of Worcester) a thousand marks for having procured a bull, investing him with the spirituals *and temporals* of the diocese, contrary to his crown and dignity.[e]

10. A.D. 1312, we find the Earl of Lincoln in his dying moments complaining that—"the Church of England, once honourable and free, is now, alas, enslaved by the oppressions of Rome: the people impoverished by taxes, and from a free condition reduced into a state of servitude; and the nobility degraded by aliens." In the same year two papal nuncios came to the island; but although the barons received them hospitably, they positively refused to admit the papal bulls of which they were the bearers, maintaining that they had "in the kingdom pious and learned bishops, by whose counsel they would be guided, and not by that of strangers." And when, in 1320, John de Kendal, Bishop of Winchester, died, the monks, instead of allowing the *reservation* of the Pope, proceeded to

[c] Wilk. i. 526.
[d] See in this chapter, Wilk. i. 664, 678, 679, 684, 686, 697, 700, 709.
[e] See in this chapter, Wilk. ii. 64, 67, 78, 88, 234, 259, &c. 266.

elect one of their own brethren to the vacant see. Their *strength* was not, however, equal to their *spirit:* the election was quashed, and after some difficulty Rigandus, one of the Pope's chaplains, was consecrated Bishop of Winchester.[f]

11. In the year 1365, the Pope renewed his claim to the tribute of a thousand marks, the payment of which had been discontinued for thirty-three years; but King Edward III. appealed to his Parliament, and they returned the following answer: "Forasmuch as neither King John nor any other king could bring the realm and kingdom into such thraldom and subjection but by common consent of Parliament, the which was not done; therefore that which he did was against his oath at his coronation. If, therefore, the Pope should attempt any thing against the king, by process or other matters in deed, the king and all his subjects should, with all their force and power, resist the same." In 1376, the *Good Parliament*, as it was called, thus remonstrated against the extortions of the Pope: "That the tax paid to the Pope for ecclesiastical dignities doth amount to fivefold as much as the tax of all the profits which pertain unto the king by the year of the whole realm; and for one bishoprick, the Pope, by way of translation and death, hath three, four, or five several taxes. That there is none so rich a prince in Christendom that hath the *fourth part* of so much treasure as the Pope hath out of this realm—for churches—most sinfully. That the collector, being also a receiver of Peter's Pence, keepeth an house in London, with clerks and officers, as if it were one of the king's solemn courts, sending yearly to the Pope *twenty thousand marks*, and most commonly more. That cardinals and other aliens, remaining at the court of Rome, have divers the best dignities in England, and have sent over to them *twenty thousand marks*," &c. And the next year they petitioned the king that Provisors may be put out of his protection, and that remedies might be provided against other abuses. 20,000 marks in this reign must have equalled above £156,000 of our present currency: £312,000 must have been, therefore, the annual amount of papal extortion![g]

12. The first Parliament of Richard II., in 1377, complained of the number of English benefices held by foreigners, and prayed that the collection of first-fruits and papal *provisions* within this realm might be punished with outlawry. Accordingly (by statutes 2 Ric. II. c. 15, and 7 Ric. II. c. 12,) it was enacted—1. "That no alien should be capable of letting his benefice to farm;" and 2. "That no alien should be presented to any ecclesiastical preferment." The statute of PROVISORS (or 12 Ric. II. c. 15,) enacts, "That all liege men of the king accepting a living by any foreign provision are put out of the king's protection, and the benefice declared void:" to which 13 Ric. II. Stat. 2, c. 2 and 3, adds

[f] See also in this chapter, Wilk. ii. 289, 322.

[g] See in this chapter Wilk. ii. 584, 715, 726; also iii. 7, 97, (two extracts from the same page,) 107.

"banishment and forfeiture to the person so presented; and imprisonment, forfeiture, and pain of life and member, to any person bringing over any citation or excommunication from beyond sea on account of the execution of the foregoing statute." The statute of PRÆMUNIRE (or 16 Ric. II. c. 5,) enacts—"That whosoever shall procure at Rome or elsewhere any translations, processes, excommunications, bulls, instruments, or other things which touch the king, against him, his crown, and realm, shall be put out of the king's protection, their lands and goods forfeited to the king's use, and they shall be attached to answer for the same."

About 1382, Urban VI. and Clement VII. being both elected to the papacy by different factions of cardinals, the English declared in favour of the former, while the French espoused the cause of the latter.

In 1388, the king obliged the Pope's collector to take an oath that he would be true to the king; that he would do nothing detrimental to the royal prerogative or the laws of the kingdom; and that he would not publish any letters from the Pope, or export money or plate from the kingdom, without the royal licence: and when, in 1399, the Pope conferred the see of Lincoln upon the celebrated Henry Beaufort, Richard assembled the clergy, and demanded whether or not the Pope had power to create or translate bishops in England. They did not directly answer the question, but suggested a remonstrance to the Pope.

A royal prohibition against papal exactions may be seen in this chapter.[h]

13. From the precarious tenure of his crown, Henry IV. was too anxious to conciliate foreign powers to take any active part in opposition to the Pope; and a schism which occurred in the papacy, about 1406, operated as a salutary check upon the extortions and usurpations of the Apostolic see. The *three* claimants, Benedict XIII., Gregory XII., and Alexander V., being each desirous to secure the support of the English hierarchy, carefully avoided giving them any cause of complaint, and the Church enjoyed a degree of repose to which she had been long a stranger. But in 1401, before the schism, it had been enacted by Parliament, "That no person, under colour of bulls of exemption purchased from the Pope, should trouble or disturb any prebendaries, vicars, &c. in the enjoyment of the tithes due to them in their several benefices; and that no licence granted upon provision to any benefice not yet vacant, should be valid or available."[i]

14. Archbishop Chicheley, in his first convocation, moved for annulling papal exemptions. He opposed the great power with which the Pope had invested the Cardinal Bishop of England, and presented to King Henry V. a full declaration of the nature, the extent, and the mischievous results of the legatine office; but the

[h] Wilk. iii. 207, A.D. 1389.

[i] See in this chapter, Wilk. iii. 284, &c.

king protected him from the vengeance of the Pope. In 1414, the University of Oxford presented to King Henry V. articles for the reformation of the Church; and in 1419, Pope Martin V. granted a *concordat* for the reformation of the Church of England.[k]

15. King Henry VI. received a consecrated rose from the Pope in the year 1452, accompanied by a demand from the clergy of a tenth of their revenues; but his request was denied, and the archbishop of Canterbury was prohibited from executing the Pope's bull, or suffering any money to be collected: and in a subsequent convocation the Pope's agent was equally unsuccessful. In this reign the Commons petitioned that no foreigner should be capable of holding church preferment; and that the patron might be allowed to present anew upon the non-residence of any incumbent; but the king eluded these petitions. Pope Martin wrote him a severe letter against the statute of Provisions, which he terms an abominable statute: his words are as follows—"Ut tam *execrabile* statutum penitus tollatur, quod si feceris *salvabis primùm tuam, tùm vero multorum animas.*" (Burnet's Hist. Ref., vol. I., *Records*, No. 28.) How the appointment of foreigners, ignorant of the language, and constantly residing abroad, to the richest benefices in the kingdom, was conducive to *the salvation of souls*, is a question which I must leave to the reader's ingenuity to solve. "*Davus sum non Œdipus!*" During this reign the Cardinal of Winchester held the office of legate *a latere;* and the Parliament, becoming jealous of his extending the papal power, insisted that he should absent himself from all councils of the king in which any questions were debated connected with the see of Rome.

(See in this chapter, Wilk. III. 471, 551, 552.)

During the four following reigns, those of Edward IV., Edward V., Richard III., and Henry VII., I have failed to discover any traces of papal oppression upon the one hand, or of opposition upon the other: probably there was no ground of complaint, and therefore no complaint. These four reigns were, however, of short duration—about twenty-eight years altogether: and that which followed was fatal to the supremacy of the Pope in this realm of England. The reign of Henry VIII. is spread over about 230 folio pages in Wilkins' third volume, opposition to the Pope's authority and jurisdiction being the most prominent subject. As it is too copious for epitome, I must refer the reader to the latter part of this chapter, beginning at Wilk. III. 707.

The above historical outline has been for the most part compiled from authentic sources, such as Eadmer, Malmsbury, Newbury, Hoveden, Matthew Paris, and Walsingham; though, for want of better authorities within my reach, I have *occasionally* made use of Hume and Smollett's Histories, Le Bas, &c.

[k] See in this chapter, Wilk. iii. 361, 391.

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WILK. i. 6. *Canons of St. Patrick made in Ireland,* A.D. 456.

Can. 6. If any questions should arise in this island, let them be referred to the apostolic see.

IBID. p. 9, &c. *Some account of those letters of Gregory the Great which relate to Britain.*

I. The first is addressed to the Irish bishops on the subject of the *Three Chapters*, which had been condemned in the fifth general council A. D. 552. By this title were distinguished some writings of Theodore of Mopsuesta, Ibas of Edessa, and Theodoret of Cyrus, supposed to favour the Nestorian heresy. This letter was written about A.D. 592, to correct an erroneous impression of the Irish bishops respecting that council, by assuring them that nothing had been decreed in it contrary to the faith; and he thus invites them back to the unity of the church,—"Let therefore the purity of (*her*) faith at length renew your affection towards the mother who hath borne you; let no perverseness of mind (*animorum intentio*) separate you from her unity, nor any persuasion allure you from the right course."

II. An exhortation to Augustine and his companions to persevere in the conversion of the English. It contains nothing remarkable but the date; in which he calls the emperor, "Domino *nostro*." He wrote this letter A.D. 596.

The following are from SPELMAN, i. 69, &c.

III. The third is addressed, "To the most reverend and holy *our brother and fellow bishop* Etherius," the bishop of Arles.

VII. VIII. &c. St. Peter is called, *Princeps Apostolorum.*

XIII. Addressed to Eulogius, bishop of Alexandria; in which he rebukes him for having given him "proud titles which spring from the root of vanity: employing the expression, *as you have commanded;* which word *command*, I entreat you not to let me hear again; for I know what I am, and what you are. In situation, ye are *my brethren;* in piety, *my fathers:* I did not therefore *command*, but I *admonished* you of that which is useful.....And lo! in your letter directed to me, *who have forbidden any thing of the kind*, you have given me the proud title of UNIVERSAL POPE, which I beseech your holiness not to do again: for ye dishonour yourselves, by ascribing to another greater dignity than reason requires. I do not desire to be exalted by titles, but by virtue: nor indeed do I consider *that* as an honour, by which the honour of my brethren is diminished. Away then with words which inflate vanity, and wound charity! And, indeed, your holiness knows that this very title was offered to my predecessors by the holy council of Chalcedon, and afterwards by subsequent fathers; yet none of them were ever willing to adopt it."

XIV. To Siagrius, bishop of Aucun in Burgundy. In granting to him *the pall*, he adds: "And we have also judged it proper to

grant that the see of Aucun, over which Divine Providence hath appointed you to preside, should rank immediately after the see of Lyons; and that it should receive that dignity and rank by our indulgence and authority."

WILK. CONCIL. i. 10, &c. *are the following letters of Pope Gregory.*

An epistle to Augustine, the apostle of the English, congratulating him upon his success in the work of conversion, and exhorting him not to be too much elated by the miracles which God had enabled him to perform.

A letter to Quirinus and the rest of the Irish bishops, directing them not to re-baptize those who had been baptized by heretics in the name of the Trinity. In the Western Church, such persons were usually received by the laying on of hands, and in the Eastern by the *chrism*. This letter is dated A.D. 592.

A letter to Augustine, granting him a *pall*, "to be used only during the celebration of mass;" and directing him to consecrate "twelve bishops, to be subject to your jurisdiction; so that the bishop of London, however, shall be always in future consecrated by a synod of his own, and receive the honour of a pall from the holy and apostolic see. We desire you also to send a bishop to the city of York, with this proviso—that if that city, with the neighbouring territories, shall receive the Word of God, he also is to ordain twelve bishops, and to enjoy the dignity of a metropolitan; for to him also have we resolved to grant a pall: yet we wish him to be subject to your authority. Let there be hereafter this distinction between the bishops of London and York—that he shall have the precedence who was first ordained." (Written A.D. 601.)

BEDE'S ECCL. HIST. b. i. c. 27. *Pope Gregory's Answers to some Questions sent to him by Augustine,* A.D. 601. WILK. i. 20.

Q. VI. On the degrees of consanguinity, within which it is lawful to marry, he replies: "A certain temporal law of the Roman republic permits the children of a brother and a sister, or of two brothers, or two sisters, to marry: we have, however, learned by experience, that the offspring of such a marriage cannot thrive; wherefore it necessarily follows, that the *third* or *fourth* generation may intermarry, but on no account the *second*."

Q. VIII. Gregory says: "In the Church of England, in which you are at present the only bishop, you can only consecrate bishops by yourself; unless bishops should come from Gaul, who may assist at the consecration as witnesses. When however, by the dispensation of Providence, bishops shall have been consecrated in neighbouring places, the consecration ought not to be performed without the assembling of three or four bishops."

Q. IX. Gregory replies: "We have not given you any authority over the bishops of Gaul: for, time out of mind, the bishop of Arles has received a pall from our predecessors, whom we ought by no

means to deprive of the authority which he hath thus acquired. All the British bishops, however, we commit to your brotherhood, that the unlearned may be taught, the weak strengthened, and the perverse corrected."

Q. XI. Interrogatus: "Si post illusionem quæ per somnium solet corpus Domini quilibet accipere valeat, vel si sacerdos sit sacra mysteria celebrare?" Respondit Gregorius: "Si ex naturæ superfluitate vel infirmitate evenerit, a perceptione Sacri Mysterii prohibere non debet; sed *ab Immolatione Sancti Mysterii* abstinere, ut arbitror, humiliter debet: nisi sacerdos alius in loco desit. Si vero ex turpi cogitatione vigilantis oritur illusio dormientis, patet animæ suus reatus, et omnimodo abstinendum est. Unde *et ille, cœlestis exercitûs præcipuus miles,* gemebat dicens, *Video aliam legem,*" &c. (Rom. vii. 23.)

Note. The reader will not fail to remark that he here calls St. Paul "cœlestis exercitûs *præcipuus* miles."

WILK. CONCIL. i. 24, (*from Bede, Hist.* lib. ii. c. 2.) *Synod of Worcester,* A.D. 601.

"In the mean time, by the assistance of King Ethelbert, Augustine invited the British doctors to a conference, in a place which to this day is called in the English tongue, *Augustinaes Ac,* i. e. *Augustine's Oak;* and began to persuade them by a fraternal admonition, that, observing a catholic unity, they should join with him in preaching the gospel to the pagans: for they did not celebrate Easter Sunday at the proper time, but observed it from the fourteenth to the twentieth moon, which computation is contained in a cycle of eighty-four years. But *in many other respects they act contrary to the unity of the church.* After a long disputation, in which they preferred their own traditions to those which are universally received by the Catholic church, the holy father Augustine put an end to this laborious and long controversy, by saying—'Let us entreat the Lord to show us, by a sign from heaven, which tradition we ought to follow.' Which, when the opposite party, although unwillingly, agreed to, a blind *Englishman* was brought forward; who, when he had been presented to the British bishops, without receiving any benefit from their ministry, at length Augustine prayed to the Father of our Lord Jesus Christ, that he would restore to the blind man the sight *which he had lost.* Without delay the blind man received his sight, and Augustine was proclaimed by all, a true herald of heavenly light. Then the Britons confessed, indeed, *that* to be the true way of righteousness which Augustine preached, but declared that they could not, without the consent and permission of their people, forsake their ancient customs. Wherefore they entreated that a *second* synod might be convened, which was agreed to: and there came thither seven British bishops, and many learned men, especially from the celebrated monastery of Bangor, over which Dinooth then presided as abbot. Before they came to the

council, they went to a certain holy anchorite, inquiring of him whether they ought to desert their traditions at the preaching of Augustine: who replied—'If he is a man of God, follow him.' They said—'How can we prove that he is such?' To which he answered: 'The Lord hath said, *Take my yoke upon you, for I am meek and lowly of heart:* procure therefore that Augustine and his companions may first arrive at the place where the synod is to be held; and if at your entrance he shall rise from his seat, know for a certainty that he is a servant of Christ.' They obeyed: and it came to pass, that when they entered, Augustine retained his seat, which, when they saw, being indignant at his pride, they tried to contradict every thing he said. His address to them was as follows: 'In *many* things ye act contrary to our customs, and to those of the universal church: yet if in these three respects ye will obey me—to celebrate Easter at the proper time; to perform the rite of baptism, by which we are born again unto God, according to the custom of the holy Roman and apostolic Church; and to join with us in preaching to the English nation the Word of the Lord; all the other things which ye do, although contrary to our customs, we will bear with equanimity.' They however replied, that they would consent to none of these things, nor would they acknowledge him as their archbishop."

WILK. i. p. 26.—*The Reply of Dinooth, Abbot of Bangor, to Augustine.*

"Be it known to you, and without doubt, that we are all of us obedient and subject to the Church of God, and to the Pope of Rome, and to every true and godly christian; to love every one in his degree with perfect charity: and other obedience than this I do not know to be due to him whom ye call the Pope, (*quem vos nominatis esse papam,*) nor that he is *the Father of Fathers;* and *this* obedience we are willing to render to him and to every christian continually. Besides, we are under the government of the bishop of Caerleon upon Usk; who is, *under God*, appointed to superintend us, to cause us to continue in the spiritual way."

Note. It is to be noted that the British bishops were at this time subject to a metropolitan of their own, who, "sub Deo" (i.e. *without any superior but God*), presided over them. Respecting the place of this synod, nothing is certainly known; but Stillingfleet suggests that it may have been held at *Austric, Haustake*, or *Ossuntree*, on the borders of Worcestershire; and Sigesbert (anno 602) expressly tells us that several of the Scottish (i.e. *Irish*) and Pictish bishops were present at it. The sees of the British bishops who attended this council are thus described by Bale:[1] "Herefordiensis, Tavensis (or *Llan-Tavensis*), Paternensis, Banchorensis, Cluniensis (or *Eluiensis*), Uniacensis (or *Wiccensis*), and Morganensis, which some read Menevensis." The Bangor here mentioned, and of which Dinooth was abbot, must not be confounded with the diocese of that name in Carnarvonshire, but was situated in Cheshire, on the Dee, and called by the Romans *Bonium*,

[1] Antiq. Brit.

or *Bovium*. (See Camden's *Britannia*, edit. 1695, col. 556, 568, 693.) In Camden's time it was "*all corn fields*," and he says it was in the neighbourhood of *Chester*.

WILK. i. p. 34. In a letter from Pope Honorius I. to Edwin, king of Northumbria, A.D. 634, he says:—"We have also sent two palls for the two metropolitans, Honorius and Paulinus, so that when either of them shall be summoned from this world to his Creator, the survivor may, by our authority, consecrate another bishop in his place; and this we grant both as a mark of affection to yourself, and on account of the great distance which intervenes between us."

Note. Hence it appears, that before this time, on the death of an archbishop, his successor had been obliged to go to Rome for consecration and his pall. In this letter, Honorius assumes no little authority—"*Vice B. Petri Apostolorum Principis, auctoritatem tribuimus*," *&c.*

IBID. p. 35. In a letter of this Pope to his namesake archbishop Honorius, he says:—"By the authority of the blessed Peter, prince of the Apostles, we grant unto thee, O Honorius, and to thy successors for ever, a primacy over all the churches of Britain. We command, therefore, that all the churches of England, *and the neighbouring territories*, shall be subject to your jurisdiction, and that the metropolitan authority be lodged in the see of Dover."

IBID. p. 37. A.D. 664, was held the conference of Whitbye (*Synodus Pharensis*) in Yorkshire; at which there were present two kings, three English, and several Scottish (*Irish*) bishops, with an abbot, abbess, and many presbyters and other clerks—Romans, Angles, Saxons, Britons, Scots, and Picts. The early bishops of Lindisfarne (*Holy Island*) having been Irish Scots, the Northumbrians observed Easter according to the Irish tradition, but Eanfrid their queen, a Kentish princess, after the Roman: "Whence (says Bede) it sometimes happened that *two Easters* were celebrated in one year; and when the king, having completed his Lenten fast, was celebrating his Easter Sunday, the queen, still fasting, was spending Palm Sunday. This difference respecting the celebration of Easter was however borne patiently by all during the lifetime of Aidan; because they saw clearly, that although he could not act contrary to the custom of those who sent him, he took care diligently to perform works of faith, piety, and brotherly love, according to the custom of all the saints." After his death a violent controversy arose respecting Easter, the ecclesiastical tonsure, and other points in which the Irish differed from the Saxons, and which this *conference of Whitbye* was intended to decide. In this synod, Wilfrid, abbot of Ripon, and afterwards archbishop of York, pleaded in favour of the Roman Easter, while Colman, bishop of Lindisfarne, being an Irish Scot, maintained the opposite side. According to Bede, (lib. iii. c. 25,) king Oswi opened the conference by a speech, in which he pointed out the necessity of unity: after which Colman said, "The Easter which I celebrate I have received from my ancestors, and it is the same as

that which St. John the evangelist observed, with all the churches over which he presided." In reply to this, Wilfrid asserted that "the Roman Easter was observed throughout the whole world, with the single exception of the Irish, and the companions of their obstinacy, the Picts and Britons, who, living in the remotest islands of the ocean, foolishly contested the point against the whole world." Speaking of Columba and other Irish saints, he says: "Their observing Easter in this manner was of no importance, so long as no one came to instruct them in the correct method of keeping it... ..... and, even admitting your Columba to be a holy man, ought he to be preferred to the most holy prince of the apostles, to whom the Lord said, *Thou art Peter, and upon this rock will I build my church?*" &c. Upon which, king Oswi asked Colman whether these words had really been addressed to Peter; and on his admitting that they were, instantly decided in favour of the Roman Easter: "For (said he) St. Peter is a door-keeper whom I am unwilling to contradict; but, as far as my knowledge and ability extend, I desire to obey his commands in all respects; lest, when I arrive at the gates of the kingdom of heaven, there should be no one to open them for me, he being my enemy who is proved to have the keys." Colman however resigned his see, rather than submit to this decision; thus furnishing us with a remarkable proof, that the Irish bishops in the 7th century rejected the authority of the Pope. This is also evident from Bede, lib. iii. c. 29, where it is said: "For Oswi (king of Northumbria) *although educated by Irish Scots*, knew of a truth that the Roman was the Catholic and Apostolic church."

Note. The ancient Britons and Irish kept Easter upon the Sunday that fell between the 14th and 20th days of the paschal moon, and followed in their account thereof, not the 19 years' computation of Anatolius, but Sulpicius Severus's cycle of 84 years. The Irish Church adopted the Roman Easter about A.D. 694; but the Welsh continued their ancient practice till about the year 800; when Elbodeus, one of their bishops, introduced the Roman method.[m]

Wilk. i. p. 44, &c. In the year 679, Wilfrid, Bishop of York, was expelled from his see, through the machinations of Ermenburga, queen of Northumbria; having excited her envy by the number of abbots and abbesses in his train; by his causing himself to be served in gold and silver vessels; and by the crowd of retainers who, in splendid attire, walked by his side: and archbishop Theodore, without consulting Wilfrid, introduced three foreign bishops into his diocese. Wilfrid being thus despoiled of his bishoprick, went to Rome, and appealed to pope Agatho, who espoused his cause so warmly, that in the course of four months no fewer than *seventy* consistories (*conciliabula*) were held on the subject of his expulsion. The appeal of Wilfrid begins as follows:—"I, Wilfrid, an humble and unworthy Saxon bishop, have directed my steps to this apostolic

[m] On this subject, see Usher's Discourse on the Religion of the Ancient Irish c. ix. p. 63, &c.

pinnacle, as to a fortified place and a tower of strength; because I know that canonical regulations are derived from hence to all the churches of Christ; wherefore I confidently ask that justice may be done to my humility." Pope Agatho complied with his request, and the synod decreed, "that bishop Wilfrid, beloved of God, shall take the bishoprick which he lately had; and let such bishops as he shall choose be promoted to be his coadjutors: those being banished to a distance, who nefariously during his absence were thrust into his diocese." Wilfrid, on his return, "having with difficulty obtained access to the king, presented to him the sealed decrees of the apostolic Pope; but he, when he had caused them to be read to the bishops who joined with him in his faction, was so far from having any reverence for the see of Rome, that, having despoiled him of his property, and sent away his companions in different directions, he delivered the holy bishop to a certain prefect, remarkable for his cruelty, to be cast into a dungeon."[n]

WILK. i. p. 55.—*Northumbrian Synod relating to Wilfrid*, A.D. 680.

"Then all the nobles who dwelt there, and the servants of God, being called to the place of the council, to hear the salutary advice sent from the apostolic see, when they heard several things read which were contrary to their inclinations, some of them contumaciously refused (*to submit*). Moreover, by the command of the king and his counsellors, and with the consent of the bishops who held his diocese, they determined that he (Wilfrid) should be committed to prison, and kept there without any honour for nine months."[o]

Note. "Archbishop Theodore paid such little regard to the Pope, that he did not call a synod as Agatho had commanded; nor did he relent till he was eighty-seven years of age, and felt death approaching. He then wrote a letter to the king in Wilfrid's behalf, who was in consequence restored to *a part* of his diocese, which he held till his death. Brithwald was so regardless of the see of Rome, that he did not send any advocates thither to answer Wilfrid."[p] According to Bede (lib. iii. c. 28), "Wilfrid had introduced by his preaching *many* regulations of catholic discipline into the Church of England."

IBID. p. 75. "Naitan, king of the northern Picts, in the year 714, induced all his subjects to celebrate Easter at the catholic time; and that he might effect this the more easily, and with greater authority, he requested assistance from the English, whom he knew to have long since regulated their religion according to the pattern of the holy Roman and apostolic Church. He also requested that architects might be sent to him to build a church of stone in his country, promising to dedicate it in honour of the blessed prince of the apostles, and that he, with all his subjects, would constantly imitate the discipline of the holy Roman and apostolic Church: as

[n] Gul. Malmsb.
[o] Heddius in Vitâ Wilfridi, c. 33.
[p] Johnson.

far as a nation could learn it, who had been so long estranged from the Roman language (*loquelâ*)." Ceolfrid, abbot of Jarrow, accordingly wrote him a long letter, both on the subject of Easter and the ecclesiastical tonsure. Discoursing upon the latter of these subjects, he brings several instances from the Old Testament, *ex. gr.* Job and Joseph; and observes, that the tonsure of St. Peter ought to be preferred to all others, since the Lord had said unto him, *Thou art Peter, &c.*, and since it was made in imitation of the crown of thorns which Christ wore at the time of his passion. "But what christian does not hate, as he hates magic itself, the mode of tonsure adopted by Simon Magus? which, when you look at the upper part of the forehead, seems to have the appearance of a crown; but, when you come to examine the top of the head, you will find the crown, which you thought you had observed, mutilated. Wherefore you may be assured, that such a mode befits not christians, but rather Simoniacs; who, in the present life, were believed by deluded men to be worthy of a crown of everlasting glory, but in a future life are not only deprived of all hope of a crown, but moreover are condemned to eternal punishment."[q] So much for priestly shaving! In an account of a synod convened by Naitan, immediately after the arrival of this precious document, it is said, that as soon as he heard it translated into his native language, he knelt down and publicly thanked God. "The ministers of the altar, as well as the monks, were immediately shorn in imitation of a crown; and the nation, being reformed, rejoiced that they were subject to the discipline of the blessed prince of the apostles, St. Peter, and under his protection:" a tolerably clear proof that they then, for the first time, acknowledged the supremacy of the Pope.

WILK. i. p. 91.—*Letter of Boniface, Bishop of Mentz, to Cuthbert, Archbishop of Dover*, A.D. 745.

"We decreed, in our synodal convocation, to observe as long as we live the catholic faith and unity, and subjection to the see of Rome; to convoke a synod every year; that metropolitans shall demand palls from that see; and that we desire in all things to pay canonical obedience to all the injunctions of St. Peter: that we may be included among those sheep who have been entrusted to his care." Also, that if any bishop shall be unable to correct any thing which requires reformation in his diocese, he shall declare it to the synod: "as the Church of Rome bound us by an oath to do at the time of our consecration—'that when I see the priesthood or the laity deviate from the law of God, and am unable to correct them, I will always declare the same to the apostolic see, and the vicar of St. Peter, that the evil may be reformed:' thus then, if I am not deceived, should any error be committed among the people which it is impossible for them to correct, all bishops ought to declare the

[q] Bede, lib. v. c. 22.

same to the metropolitan, and the metropolitan to the Roman pontiff." In the same letter he requests that English women, and especially nuns, might be prevented from making pilgrimages to Rome: "Because for the most part they perish, few preserving their integrity: for there are very few cities, either in Lombardy or Gaul, in which there is not an English adulteress or harlot; which is a scandal to your whole church."

WILK. i. p. 104.—*Excerptions from various Councils, Fathers, &c. made by Ecgbert, Archbishop of York*, A.D. 750.

Ex. 49. If any questions shall arise in our province, let them be referred to the greater see, or to a synod, or to the apostolic see of Rome.[r]

IBID. p. 147.—*The Legatine Constitutions at Cealchythe*, A.D. 785.

Gregory, bishop of Ostia, legate to Pope Adrian, and the first who had exercised this office in England since the time of Augustine, presided at it. Bishop Gibson says, that there is a town in Lancashire, on the borders of Cheshire, called *Celcheth* or *Kelcheth*.

Can. 8. That the ancient privileges granted to churches by the Pope of Rome be observed by all.

IBID. p. 154. Brompton says of king Offa, that having procured the death of Ethelbert, king of the East Angles, (besides other satisfactions, which may be seen in Chapter III. § 2. A.D. 793,) "going to Rome, he humbly visited the thresholds of the apostles St. Peter and St. Paul, and granted to the Roman pontiff, the vicar of St. Peter, the annual revenue of *one penny* from every house in his dominions, established for ever: and he was the first, as it is said, who made this grant." Offa, king of Mercia, made this journey to Rome about A.D. 793, and obtained from the Pope a grant of privileges to the abbey of St. Alban's, which he had lately founded: this was indeed one object of his journey. (*Ibid.* p. 155.)

IBID. p. 156. On the day after king Offa had obtained from the Pope this grant of privileges to the abbey of St. Alban's, "entering the English school, which then flourished at Rome, he granted of his royal munificence *a silver* (*penny*) from every family in his dominions, for the support of his subjects who should come there: by which bountiful grant he obtained the privilege that no public penitent of the English nation should be thenceforwards obliged, for the fulfilment of his penance, to go into exile." After specifying his dominions, the historian thus proceeds: "From all these provinces the aforesaid king Offa granted *St. Peter's penny* (with the exception of those lands which he had granted to St. Alban's abbey); and it was called '*St. Peter's penny*,' because, by the favour of heaven, he had found (*the body of*) this martyr on the day of St. Peter, which is called '*ad vincula*;' and on the same day he granted this

[r] A Roman Canon.

annual revenue to the Roman Church, for the redemption of his soul, and for the maintenance of the aforesaid English school, founded for the instruction of illiterate Englishmen who should travel thither."[8]

Note. Hence it is evident that they are much mistaken, who think that Offa made his kingdom tributary to the Pope: the grant having in fact been made to the *English School at Rome.*

WILK. i. p. 164.—*Letter of Kenulphus, king of Mercia, to Pope Leo III.* A.D. 801.

"But now I, Kenulphus, king by the grace of God, humbly entreat your excellency, that, without offending you, I may be permitted to speak concerning my journey," &c. Again: "The benediction which all who before me have presided over the sceptre of the Mercians deserved to receive from your predecessors, the same I humbly entreat; that, in the first place, you will receive me as your adopted son, even as I love you in quality of a father, and embrace you with all the earnestness of obedience."

IBID. p. 166. A letter from the English bishops to the same Pope, A.D. 801, complaining of the hardship of primates being obliged to travel to Rome in order to receive the pall, which had been anciently sent to England by the Popes.

IBID. p. 172.—*Council of Cloves-Hoo, under Archbishop Wulfred,* A.D. 822.

By the violence and avarice of king Ceonulf, archbishop Wulfred had been banished; and, "the whole English nation was for nearly six years deprived of his metropolitan authority, *and the sacrament of baptism.* Moreover, on a certain occasion, the king, coming with his advisers to the royal city of London, in great wrath appointed a day on which the said archbishop should appear before him. Whither when he had come, the king commanded him to leave all his property, and depart from England directly; without any hope of returning, *either by the command of the Pope,* or at the request of the emperor, unless he would consent to his wish, by ceding to him the town of *Leogensham,*" &c. At the end of the six years the archbishop was forced to submit.

IBID. p. 199. A.D. 904, Pope Formosus sent a letter to England, in which he excommunicated and gave his curse to king Edward the elder, instead of that blessing which St. Gregory had given to the English nation. For during seven entire years, all the kingdom of West Saxony had been destitute of bishops. When king Edward heard this, he convened a synod, at which Pleimund, archbishop of Dover, presided; and they chose bishops for all the divisions of West Saxony; and where there had been formerly only *two* bishops, they appointed *five.* At the conclusion of the synod, the archbishop went to Rome, with honourable presents, and with great humility

[8] Brompton.

appeased the Pope. He also recited the decree of the king, which was very agreeable to the apostolic (*Pope*). Returning to his see, he in one day consecrated at Canterbury seven bishops for the (*vacant*) churches."[t]

Wilk. i. p. 200. In the archives of the see of Canterbury, it is said, that on the above occasion, A.D. 905, Eadulf was consecrated to the see of Kirton in Devonshire:[u] "to which they added three towns in Cornwall, viz., Platun, Celling, and Landintham; that from thence he might every year visit the Cornish people, to extirpate their errors. *For before this, they resisted the truth to the utmost of their power, and obeyed not the decrees of the Pope.*"

Howel's Synopsis, &c. p. 38. We read that, A.D. 940, *Howel Dha*, king of all Wales, went to Rome accompanied by the archbishop of St. David's, the bishops of Bangor and St. Asaph's, and thirteen others, and obtained from the Pope a confirmation of his laws.

Wilk. i. 221.—*Laws of the Northumbrian Priests*, A.D. 950.

Can. 57. We desire that every *Rome-penny* be paid about the feast of St. Peter to the bishop's throne. We desire also that two faithful thanes, and one presbyter, be appointed to collect it in every *Wapentake*.

Note. In the year 847, Athenulf, king of the West Saxons, Mercians, Northumbrians, East Angles, and Northern Saxons, granted to the Pope the *Romescot* throughout his dominions; *i.e.* a penny from each of his subjects who should possess a yearly income of thirty pence, or more houses than one.[v]

Ibid. p. 245.—*Ecclesiastical Laws of king Edgar*, A.D. 967.

Cap. iv. If a man shall refuse to pay *St. Peter's penny*, let him carry it to Rome, and thirty pence besides; and let him bring from thence a certificate that he hath done so: and when he returns home let him pay to the king 120 shillings; for the second offence, 200 shillings; and for the third let him forfeit all that he hath.

Cap. v. Let every Sunday festival be observed from noontide on the Saturday till sunrise on the Monday.

Ibid. p. 297.—*King Canute to his Bishops and Nobles; written at Rome*, A.D. 1031.

"I give you to understand, that I have lately gone to Rome, to pray for the remission of my sins and the safety of my kingdom—a journey which I had long since vowed unto God. And now I thank the Omnipotent God, that during my lifetime I have been enabled to venerate and adore the blessed apostles, Peter and Paul, and every holy place which is within the city of Rome. And this I have done, chiefly because I have learned from wise men that

[t] Gul. Malmsburiensis.
[u] Ecclesiam Cridiensem.
[v] Howel's Synopsis, &c. p. 28.

St. Peter the apostle received from the Lord great power of binding and loosing, and that he carries the keys of the kingdom of heaven; and therefore I believed that it would be very useful specially to implore his intercession with God. I have spoken to the emperor, and to (our) lord the Pope, that a greater facility might be afforded my subjects of going to Rome, and that they might not be deterred by so many inclosures (or *turnpikes*) upon the way thither, or annoyed by unjust tolls; and the emperor, &c. acceded to my request. I also complained before the lord Pope, and said that I was much displeased that my archbishops should be so much oppressed by the large sums of money demanded from them when they came for their palls to the apostolic see: and it was decreed that it should not be so any longer. To all the things which I requested from the lord Pope, the emperor, &c. they readily acceded, and confirmed their concessions with an oath; to which, four archbishops, twenty bishops, and an innumerable multitude of dukes and nobles were witnesses."

Spelm. Concil. i. 571. "A.D. 1052, Pope Leo held a synod at Verzelay; at which Ulf, bishop of Dorchester, was present, and *his episcopal staff would have been certainly broken* had he not paid a large sum of money: for he knew not his office as a bishop ought."

Ibid. p. 632. In a *Letter of king Edward the Confessor to Pope Nicholas II.*, he says: "Edward, by the grace of God, king of the English, offers due obedience and every description of homage to Nicholas, supreme father of the universal church."

Wilk. i. 312.—*Laws of Edward the Confessor*, A.D. 1052, *afterwards confirmed by William I. circa* A.D. 1070.

Cap. xi. "Let every man who hath in his house to the value of thirty pence in living stock by the law of the English, or half a mark by the law of the Danes, pay *St. Peter's penny*. If any man shall detain it beyond the feast of *St. Peter, ad vincula*, let complaint be made to the king's justice, *because this penny is the king's alms;* and let the justice compel him to pay *this penny*, and also the forfeiture to the bishop and the king. But if a man hath more houses than one, let payment be made for that house in which he was resident on the festival of St. Peter and St. Paul.

Note. In the *Norman* copy of the same laws,[w] it is provided that the feudal lord shall, by paying fourpence, acquit his *bordars, bonars*, and *vassals;* that the burgess who is worth half a mark, or a freeman who has to the value of a mark in field stock, is bound to pay the romescot; that for the penny which the lord pays, all who live in his demesne shall be acquitted; and that defaulters shall pay, besides the original penny, thirty pence in addition; or if they be sued for it in the king's court, thirty pence to the bishop, and forty shillings to the king. *Bordars* and *bonars* were, it is supposed, small tenants who held a few acres on condition of their hedging, thrashing, diking, grinding, &c. for the lord's family.

[w] Ibid. p. 314, c. iii. and iv.

WILK. i. p. 315. A.D. 1062, Pope Alexander II. forbad Stigand, archbishop of Canterbury, to exercise the episcopal functions, because he had presumed to accept of that dignity during the lifetime of archbishop Robert. The archbishop of York therefore acted in Stigand's place.

IBID. p. 325.—*Council of Windsor*, A.D. 1072.

The subscription stands thus:—

"+ The mark of King William. + The mark of Queen Matilda.

"I, Hubert, reader of the church of Rome, and legate to the lord Pope Alexander, have subscribed.

"I, Lanfranc, archbishop of Dover, have subscribed," &c.

Note. Here a mere *reader* (*i.e.* the lowest ecclesiastical order, with the exception of the ostiary), in virtue of his office as papal legate, subscribes before the archbishop!

IBID. p. 326.—*Letter from Archbishop Lanfranc to the Pope*, A.D. 1072.

"To the lord Pope Alexander, supreme overseer of the whole Christian faith,—Lanfranc, an unworthy prelate of the church of Dover, offers all due obedience and service." He also says towards the end—"A copy of which (*decision*) I have caused to be sent to you, to whom the holy church throughout the whole world has been certainly committed."

IBID. p. 371. In the *Council of Rockingham*, A.D. 1094, archbishop Anselm thus addressed the assembled bishops:—"A certain misunderstanding has arisen between our lord the king and myself: for when I lately requested his permission to go to Urban, the prelate of the apostolic see, to procure my pall, according to the custom of my predecessors, he said that he had not yet acknowledged Urban as Pope, and that he therefore would not allow me to go to him for that purpose. 'Moreover,' he added, 'if you acknowledge the papal authority of this Urban, or any one else in my dominions, without my permission, you act contrary to the fealty which you owe me, nor would you offend me more, were you to endeavour to take the crown from my head.' Upon this, several of the bishops who favoured the king, endeavoured to prove that, consistently with his allegiance, Anselm could by no means acknowledge Urban as Pope in this realm of England. To this he replied in the language of Scripture: 'Render unto Cæsar the things which are Cæsar's, and unto God,' &c.; adding several other remarks which could not be reasonably denied. They, on the other hand, not being able to answer him, cried out with one shout, that he had blasphemed the king, *by presuming to ascribe any thing, even to God, within his realm, contrary to his wishes.* Some of the bishops violently renounced the obedience which they had professed to their archbishop and primate, and abjured all fraternal intercourse with him; others merely refused to obey him in anything which should relate to Pope Urban:

and thus all the bishops, with the single exception of Rochester, renounced the obedience which they owed him. The king also withdrew his protection, and swore that he would not any longer have him for an archbishop, unless he would refuse all further obedience to the vicar of St. Peter. Anselm however, firm in his resolution, requested of the king permission to leave the kingdom in safety, which was refused him, and he was cruelly persecuted,—his tenants being arrested and despoiled, and his lands devastated."[x]

Wilk. i. p. 374. A.D. 1097, (during Anselm's disgrace) Murchurtach, king of Ireland, with his bishops and nobles, petitioned archbishop Anselm, as metropolitan of Ireland, to erect the city of Waterford into a bishoprick. Anselm accordingly consecrated Malchus (the bishop elect) at Canterbury, exacting from him an oath of canonical obedience.

Ibid. p. 376. *A letter from Pope Paschal II.* A.D. 1100, in which he speaks of "our dear and venerable brother Ralph, archbishop of *Canterbury*." In the following page, he complains in another letter of the translation of the bishop of Rochester to Canterbury, without his having been first consulted:—"The translation of the bishop of Rochester to your metropolitan see has been signified to us—a step which you should not have presumed to take without our knowledge and connivance. Nevertheless, in consideration of the piety and virtue of the person thus translated, we tolerate this presumption of yours." Hence it is clear that during Anselm's disgrace his see was filled; and that those who filled it were recognized by the Pope.

Ibid. p. 377. In a letter from the same Pope to the English archbishops, bishops, and clergy, A.D. 1100, and sent by Anselm his legate, nephew to the archbishop of that name, he says: "We understand that you have hitherto acted very sluggishly in collecting the alms of St. Peter. We therefore admonish and command your brotherhood, that from henceforward ye ought to send it to the Roman church more regularly, and without any deceit."

Ibid. A bull in which he fully reinstates Anselm in the see of Canterbury.

Foulis's Hist. of Romish Usurpations, b. iv. c. 3. § 1. In a letter of Pope Paschal II. to Henry I. he says: "We marvel exceedingly, and are grieved, that throughout your dominions St. Peter, and in him our Lord, hath lost his honour and right. For the nuncios of the apostolic see, or our breves, are not thought worthy of being received or admitted into your dominions, unless by your royal warrant. No complaint now, no appeal comes from thence to the apostolic see." To this the king replied, that he was willing to grant the Pope the same honour in the kingdom of England which he had enjoyed in his father's time; and his letter concludes with these remarkable words:—"Wherefore, dearest father, be better advised, and let your kindness be so tempered towards us, that I may not be

[x] Eadm.

compelled (which I should most unwillingly do) to withdraw myself from your obedience."

Wilk. i. 379–382, contains several letters from Pope Paschal to Anselm on the subject of investitures. In his second letter he informs him that a Lateran synod had just decreed that no clerk should do homage to a layman, or receive any ecclesiastical property at his hands. In the third, he enjoins Anselm to excommunicate the king's advisers, and also all bishops who had been invested by the king. In the fifth, it is forbidden not only that laymen should *invest* bishops, but that they should violently intrude into their elections. We also learn from this letter, that a bishop was anciently invested with the temporalities of his see, by the king placing a *ring* upon his finger, and the *pastoral staff* in his hand. Notwithstanding Paschal's prohibition, Gerard, archbishop of York, was persuaded by the king to consecrate bishops who had been thus invested.[y] These letters were written A.D. 1100.

Ibid. p. 385. *Letter of Anselm to the Archbishop of York*, A.D. 1103. Talking of his return to England, he says—"I cannot do so, because the king will not allow me to remain in England, unless I disobey the commands of the Pope, and comply with his wishes."

Ibid. p. 386.—*Council of London, held in the king's palace*, A.D. 1107.

"For three successive days during Anselm's absence, the king and the bishops treated concerning investitures. Several of them endeavoured to persuade the king to act as his father and brother had done, and not according to the injunctions of the Pope; who, stedfastly retaining his opinion on the subject of *investitures*, had nevertheless *granted the homage*. Afterwards, however, in the presence of Anselm, the king decreed, that from that time forward no person should be invested with a bishoprick, or an abbey, by receiving the crosier or the ring from any lay hand."[z]

Note. In the year 1110, this Pope actually signed an agreement with the emperor, Henry V., whereby "*the prelates were to resign all the lands and other possessions which they held in fief of the emperor, on condition of the latter renouncing the right of investiture!*"[a] In doing homage, the vassal knelt down, and placing his hands between those of his liege lord, made the following profession of fidelity and obedience:—"I become your man from this day forth, for my life, for member, and for worldly honour; and shall owe you my faith for the land I hold of you."[b]

Ibid. p. 389. In 1109, the bishop of London petitioned the Pope for a pall, though it appears without success.

Ibid. p. 406. In the year 1126, John de Crema, having received from the Pope a legatine authority over Britain, was long detained

[y] Wilk. i. p. 384, A.D. 1103.
[z] E. Chron. Abb. de Bello.
[a] Hallam, Mid. Ages ii. 49, n.
[b] Stat. 17 Edw. II. ap. Chambers's Encyclop. voce *Homage*.

in Normandy; but at length Henry I. permitted him to come to England, where he was honourably received by the church.[c]

Wilk. i. p. 407, &c. In a letter to the English clergy, A.D. 1126, Pope Honorius takes such pains to prove that the Lord had said unto Peter, "*Pasce oves meas, pasce agnos meos*," and that they were subject to the papal jurisdiction, that his authority can hardly have been fully recognized in England at this period. It is also worthy of remark, that in the writ of summons from the primate to the bishop of Llandaff, these words occur: "Be it known unto you by these presents, that John, cardinal presbyter of the Church of Rome, and legate, hath, by his appointment, *and with our allowance*, determined to celebrate a council," &c. The Latin words are "*nostrâque conniventiâ*."

Ibid. p. 424. *Council of London*, A.D. 1151. "*Appeals* were not in use in England until Henry, bishop of Winchester, while he was legate, introduced them: for in this council he *thrice* appealed to the audience of the Roman pontiff."[d]

Ibid. p. 426. Giraldus Cambrensis says, that A.D. 1155, Pope Adrian gave permission to Henry II. "both to conquer and to instruct the Irish people, who were so indifferently skilled in the rudiments of the faith, in ecclesiastical rules and discipline, according to the rites of the English church. The same Pope also sent to Henry, by John of Salisbury, a gold ring, in token of investiture." Next follows the bull itself, in which the Pope says—"Your magnificence hath conceived an excellent mode of spreading abroad the glory of your name in the world, and of accumulating the reward of eternal happiness in heaven, whilst you exert yourself as a Christian prince to extend the boundaries of the church; to declare to that uncouth and illiterate nation the verity of the Christian faith, and to extirpate the saplings of vice from the field of the Lord; requesting, for the accomplishment of your object, the advice and favour of the apostolic see. Truly there is no kind of doubt that Ireland, as well as all other islands upon which the Sun of Righteousness hath shone, belongs to the jurisdiction of St. Peter and of the holy Roman Church, which your majesty also acknowledges. You, our beloved son in Christ, have signified unto us your desire of invading the island of Ireland; to make that people subject to laws, and to extirpate from thence the roots of vice; and that you are also willing to pay to St. Peter an annual sum of one penny for every house. We therefore grant a willing assent to your petition, and, that the boundaries of the church may be extended, that the course of vice may be arrested, and the Christian religion increased, permit you to enter that island. Let it be your study, then, that the church there may be adorned, and the Christian faith established and increased."

Matth. Westm. Flores. Hist. edit. 1567, Pars. II. folio 32. "About A.D. 1155, Henry, king of England, sent a solemn embassy to Rome, that he might be allowed to invade and subdue Ireland;

[c] Simeon Dunelm.

[d] Walt. Conventr. Chron. et Huntingd. Hist

to re-establish a more decent form of religion among that rude and brutish people; and to make them more faithful to the Church of Rome: which the Pope joyfully granted."

Note. Nothing can be more clear than the inference, that at the date of Pope Adrian's bull, Ireland was not considered within the "*boundaries*" of the Romish "*Church:*" for else how could those *boundaries* have been "*extended*" by Henry's invasion? It is also evident that the Irish had not been in the habit of paying *St. Peter's pence*, and that both in doctrine and discipline they differed widely from the Roman model: for what else can be the meaning of the words "to declare to that illiterate nation the verity of the Christian faith?" or of another expression, which I shall quote in the original on account of its peculiar force, "ut ibi *plantetur* et crescat fidei Christianæ religio?"

Wilk. i. 435.—*Constitutions made at Clarendon under Henry II.* A.D. 1164.

Cap. I. If any controversy shall arise between clerks and laymen, or between clerks, concerning the advowson or presentation of benefices, let it be heard and decided in the king's court.

Cap. II. Churches belonging to the fee of our lord the king, cannot be impropriated without his grant.

Cap. III. Clerks accused of any crime, and summoned by the king's judge, shall attend his court, and plead there, and also in the ecclesiastical court; but with this proviso, that the king's judge may send to the ecclesiastical court to see how the cause is decided: and if a clerk shall be convicted, or if he plead guilty, the church ought no longer to protect him.

Cap. IV. Archbishops, bishops, or parsons (*personis*), may not leave the kingdom without the license of our lord the king.

Cap. V. Excommunicates ought not to give bail or make oath as to their future conduct (*remanentiam*), but in order to their absolution, they shall only give security and a pledge that they will abide by the judgment of the church.

Cap. VII. No person who is the king's tenant *in capite*, nor shall any of his officers, be excommunicated, or their land placed under an interdict, until the king hath been first applied to for justice.

Note. According to Eadmer,[e] the conqueror permitted no bishop to implead, excommunicate, or inflict any ecclesiastical punishment, on any of his barons or officers who should be accused of adultery, incest, or other capital offence, unless by his command.[f]

Cap. VIII. When *appeals* arise, they ought to proceed from the archdeacon to the bishop, and from him to his metropolitan; and if the archbishop shall be slack in doing justice, the case is, *last of all*, to be carried to our lord the king, that by his command it may be decided in the archbishop's court; *nor may it proceed any further without the permission of our lord the king.*

[e] In Vit. Gul. i.

[f] Wilk. i. 199. N.

Cap. IX. If a suit shall arise between a clerk and a laic, or *vice versâ*, it shall be decided by the award of twelve lawful men, in the presence of the king's chief justice.

Cap. X. If any one who hath been cited before an archdeacon or a bishop, for any crime concerning which he ought to plead before them, shall neglect the summons, they may *interdict*, but let them not *excommunicate* him, until application hath been first made for justice to the king's chief officer of that place.

Note. *Interdict*, i.e. suspend from entrance into the church.

Cap. XI. Archbishops, bishops, or any of the clergy who are the king's tenants *in capite*, are to hold their possessions of the king as baronies, and to be responsible on that account to his judges, and to perform all royal customs: and they ought, like other barons, to be present at the judicial proceedings of the royal court, *till judgment is given for the loss of life or member.*

Cap. XII. When a vacancy occurs in any archbishoprick, bishoprick, &c., in the king's domain, it ought to be placed in his hands, and he shall receive all its revenues. When the church is to be provided for, our lord the king ought to assemble by *mandate* the principal clergy of that church; and the election ought to be made in the chapel royal, with the king's assent, and by the advice of his parsons: and there shall the bishop elect do homage, and swear *fealty* to the king as his liege lord, before his consecration, saving his order.

Cap. XIII. If any nobleman shall have violently opposed (*disforciaverit*) an archbishop, bishop, &c. in the course of justice, our lord the king ought to punish him; and whosoever shall oppose our lord the king in his rights, ought to be compelled by the archbishops, &c. to make satisfaction to the king.

Cap. XIV. Let not a church or cemetery protect against the king's justices the chattels (*catalia*) of those who are forfeited to the king; for they belong to the king, whether they are found in the church or out of it.

Cap. XV. Pleas which relate to debt are in the king's cognizance, though a solemn oath should have been given.

Note. In the Latin, "*quæ fide interpositâ debentur.*" Anciently where an oath had been taken, the case belonged to the ecclesiastical jurisdiction.

Cap. XVI. The sons of rustics ought not to be ordained without the consent of their *feudal* lords.

To all the above constitutions, the archbishops, bishops, abbots, barons, and nobles agreed, and swore to observe them. The following was however added by the royal authority alone.[g]

Cap. XVII. The king also decreed that bishops should degrade such clerks as they found guilty of notorious crimes, in the presence of the king's justice, and deliver them up to the royal court to be

[g] Matth. Paris.

punished. The archbishop, on the other hand, thought that clerks, after being degraded by the bishop, ought not to be afterwards punished by the lay hand; for in that case they would twice suffer punishment for the same crime.

All the above constitutions were condemned by the Pope Alexander III.

Wilk. i. p. 445. In a letter from Gillebert, bishop of London, to Pope Alexander III. concerning Thomas à Becket, A.D. 1166, he says: "Wherefore we entreat your excellency to restrain for a time his fiery zeal within the bounds of moderation; lest, by permitting him to pronounce a sentence of *interdict*, you allow innumerable churches to be subverted, *and irrevocably alienate from your obedience both the king himself and multitudes of people with him.* Should such be the result, so that my lord of Canterbury, losing his possessions, is doomed to a perpetual exile, *and* (which God forbid) *England no longer obeys your commands;* how much better would it have been to endure patiently for a time, than to adopt such violent measures."

Note. It is said that when Hilary, bishop of Winchester, was magnifying the Pope's authority, Henry replied, "You argue with much plausibility for the authority of the Pope, *which was conceded to him by men*, against the royal dignity, *which was given to me by God.*"[h]

Ibid. p. 453. In a letter from the English bishops to the Pope, A.D. 1168, they justify the principle of punishing clerks after degrading them; which was chiefly objected to by Becket. "For (say they) the king is of opinion that such a punishment would be by no means commensurate with the crime, if (for example) a reader, or an acolyth, after the murder of a man eminent for his piety or dignity, should escape, after being merely deprived of his order..... Wherefore we have appealed to your sublimity, both verbally and in writing, lest the church should be so miserably subverted in the time of your apostolate, *and lest our lord the king and his subjects should be alienated from your obedience*, which God forbid.

Ibid. p. 458. King Henry the younger was crowned during his father's lifetime by the archbishop of York: "For this Roger, archbishop of York, renouncing the fear of God, despising the prohibition of our lord the Pope, and a most inveterate enemy to the church of Canterbury, laid his hands on him."[i] A.D. 1170.

Ibid. p. 487. Pope Alexander III., in a letter to the archbishop of York, A.D. 1177, thus speaks of the respect paid to him by the emperor: "And when we mounted our palfrey, *he held the stirrup*, and showed to us all the honour and reverence which his predecessors usually paid to ours."

Ibid. p. 514. A.D. 1206, the archbishops, bishops, &c. assembled at St. Alban's, to deliberate respecting a subsidy demanded from the English clergy by the Pope. They received however a royal prohibition in the following words: "All our earls, barons, knights,

[h] Spelm. ii. 57, 58.

[i] Gerv. Dorobern.

and other faithful subjects, complain, that not only to the great prejudice of the laity, but also to the intolerable detriment of the whole kingdom, ye have determined, by the authority of the supreme pontiff, to celebrate a council concerning the payment of the *romescot*, contrary to custom, and also several other unusual exactions. We therefore, notwithstanding our reverence to the holy Roman church, strictly prohibit you, by the fidelity which you owe us, from holding any such council, and from making any new decree contrary to the custom of our kingdom."[k]

Wilk. i. p. 515. Notwithstanding the above prohibition in 1206, John Ferentinus the legate, coming to England, collected a vast sum of money for the Pope: "Quo facto, sarcinulis cum magnâ cautelâ dispositis, et prudentèr commendatis, festinus viator ad mare perveniens Angliam a tergo salutavit."[l]

Ibid. p. 526. Bull from Pope Innocent to the bishops of London, Ely, and Worcester, A.D. 1207, commanding them to *interdict* the realm of England, on account of King John's contumacy in the case of Stephen Langton. The chrism was not to be consecrated upon Maundy Thursday, but the old chrism, mixed with other oil in order to eke it out, was to be used in the baptism of infants; the *viaticum* was not to be given to the sick; the gospel was not to be read, or the canonical hours celebrated in a consecrated place, but somewhere else, convenient for the assembling of the people; those belonging to the religious orders were not to admit pilgrims into their churches by the great door, but by some small private entrance. The church doors were to be closed at all times during the continuance of the interdict, except on the principal festival, when the people might enter the church to pray: but, as far as I can learn, mass was never celebrated at such times. Baptism might be performed within the church, but with the doors closed; nor were any of the laity to be admitted, except the sponsors. A woman after childbirth was to come to the church, and perform her purification *without its walls*. Presbyters were to repeat the hours in private; but they might bless and sprinkle holy water, consecrate and give *blessed bread*, (by which we are not to understand the eucharist, but the eulogiæ[m]); they might also announce festivals and fasts, and preach to the people in the church-yard. Presbyters were moreover to visit the sick, hear confessions, celebrate the commendation of souls, as usual; "*they shall not however follow the corpses of the dead, for these shall remain without Christian burial.*[n] On Good Friday, priests shall place the crucifix on the outside of the church, but without any solemnity, and thither shall the parishioners repair to adore it with their accustomed devotion."

Note. Such was the interdict! a most powerful instrument of papal domination, by which they seldom failed to reduce monarchs to obedience: for in a dark and superstitious age, nothing could more

[k] Ex. Rot. Pat. 8, Joh. m. 1. [l] Matth. Paris. [m] See Index.
[n] Ecclesiasticâ Sepulturâ.

effectually alienate the affections of a people from their king, than the reflection that by his contumacy they were deprived of the ordinance of religion—the sick of the blessed Eucharist, and the dead of Christian burial. But even this interdict, which continued for *six years*, was much less severe than several others of which we read in history: *ex. gr.* in 822, the whole English nation was for *six years deprived of the sacrament of baptism.*[o] Du Cange, in his glossary, has given us the form of an *interdict*, which was as follows: "In the name of Christ, We the bishop of N., in behalf of the Father, Son, and Holy Ghost, and in behalf of St. Peter, the chief of the apostles, and in our own behalf, do excommunicate and interdict this church, and all the chapels thereunto belonging: that no man from henceforth may have leave, either of God or St. Peter, to sing mass, or to hear it, or in any wise to administer any divine office, or to receive God's tithes, without our leave. And whosoever shall presume to act otherwise, let him be excommunicated and accursed, and separated from all Christian society, and from entering into Holy Mother Church, where there is forgiveness of sins; and let him be ANATHEMA MARANATHA for ever, with the devils in hell. FIAT, FIAT, FIAT, AMEN!"

WILK. I. p. 527. A bull of the same Pope, complaining that the Cistertian order, in defiance of the interdict, continued to perform divine service as usual.

IBID. p. 531. A.D. 1211, in the council of Northampton, king John refusing to make satisfaction to the church, the legate denounced him excommunicate to his face. Many other threats of our lord the Pope were also proclaimed by the legate, all of which the king set at nought."[p]

IBID. p. 541. In an epistle of Pope Innocent, A.D. 1213, he recites the grant made by king John when he became reconciled to the church, of which the following is the tenor: "John, by the grace of God, king of England, lord of Ireland, &c., *Because* we have in many things offended God and our holy Mother the Church; *we therefore*, desiring to humble ourselves for him who humbled himself for us even unto death, the grace of the Holy Spirit inspiring us thereto, without fear or compulsion, by our own spontaneous good will, and with the advice of our barons, *offer* and freely grant unto God, and to his holy apostles Peter and Paul, and to the holy Roman Church, our mother, and to the Pope and his catholic successors, *the whole kingdom of England, and the whole kingdom of Ireland*, for the remission of our sins: from this time forward receiving them as a vassal (*feodarius*) from God and from the Church of Rome; and we have also done liege homage for the said kingdoms, and have sworn fidelity to our lord the Pope, by the hands of his legate. In token of which our perpetual obligation, we grant, that in lieu of any suit or service which we ought to perform for the said kingdoms, the Roman Church shall annually receive a thousand marks sterling from the revenues of our said kingdom: viz. at Michaelmas 500 marks, and at Easter the same; *i.e.* 700 marks for the kingdom of England, and 300 for Ireland; besides *St. Peter's penny*."

[o] Wilk. i. 172.

[p] Ex Annal. Margan.

WILK. I. p. 544. "A.D. 1214, archbishop Stephen (Langton) with his suffragans held a council at Dunstable: being very much annoyed because the Pope's legate, without consulting them, and to please the king, had placed incompetent prelates in the vacant churches, rather by intrusion than canonical election. The archbishop therefore sent two of the clergy to Burton-upon-Trent, where the legate then was, prohibiting him in the name of the primate from presuming to institute prelates contrary to his dignity, with an appeal to the Pope. The legate, however, paying no regard to this appeal, by the king's permission sent Pandulf to the court of Rome, who so blackened the reputation of the archbishop and extolled the king, that Simon de Langton (brother to the primate) could not even obtain a hearing."[q]

IBID. p. 545.—*Charter of king John for the free election of prelates.*

"By this our present charter we ordain, that henceforth and for ever, in all and singular churches of our realm, the elections of all greater and lesser prelates shall be free: saving to us and to our heirs the custody of the churches, &c. during the vacancy. When prelacies become vacant, the electors may freely appoint as their pastor whomsoever they please, having first requested from us *leave to elect;* which if we should refuse, let the electors proceed *nevertheless* to a canonical election, and *then* demand our assent, which we will never refuse, unless upon reasonable grounds." (Dated A.D. 1214.)

IBID. p. 546.—*Bull of Pope Innocent to King John,* A.D. 1215.

"We decree that your (*royal*) chapel shall not be excommunicated or interdicted by any one, unless by the special command of the apostolic see."

IBID. p. 620. "A.D. 1226, cardinal Otho was sent to England, by Pope Honorius III., *to require a grant of two prebendal stalls in every cathedral throughout the entire realm of England, as well as* CORRODIES *in all the monasteries. The Pope in his letter alleged that his object was to do away with the old reproach of* AVARICE *brought against the holy Roman Church (!!!)* because no business can be transacted there without considerable expense, which in reality arises from the poverty of the apostolic see. The bishops however, when it was proposed to them, burst into a fit of laughter; and soon after, John Mareschall arrived, forbidding in the king's name all such prelates as held temporal baronies to make his lay fees tributary to the Church of Rome; lest he should be thus deprived of the services due to him from thence."[r]

IBID. p. 622. "A.D. 1229, the Pope *demandeth a tenth of all the personal property in England, Ireland, and Wales, from all classes, laity as well as clergy,* to enable him to carry on a war against the emperor Frederick. The bishops therefore, and the abbots, after

[q] Matth. Paris.

[r] Matth. Paris, and Pol. Verg.

three or four days' deliberation, and very reluctantly, at length consented; fearing that otherwise a sentence of excommunication or interdict would be pronounced against them."[s]

WILK. I. p. 633.—*Profession of an Abbot exempted from episcopal jurisdiction,* A.D. 1235.

"I, John, abbot of the monastery of St. Alban's, will, from henceforward and for ever, be faithful and obedient to St. Peter, and to the holy apostolic Roman Church, and to my lord the Pope N., &c. The counsel which they shall entrust me with, either by themselves, their messengers, or letters, I will not knowingly reveal to any person to their prejudice, but will assist them in defending the Popedom and the royalties of St. Peter, against every man, saving my order. I will treat honorably the legate of the apostolic see. Being called to a synod, I will go thither, unless prevented by some canonical impediment; and *every three years* I will visit the thresholds of the apostles (*at Rome*), either personally or by proxy, unless I be absolved by the Pope's license. The possessions of my monastery I will not sell, or otherwise alienate, without his privity and consent."

Note. In the modern *Roman Pontifical,*[t] may be seen the oath which Romish bishops take at the time of their consecration, in which occur the following passages: "I will not be a party in any counsel, action, or treaty, which may in any way prejudice our lord the Pope, or the Church of Rome. All the injunctions, reservations, provisions, &c. of the Pope, I will observe with all my might, and cause others to observe them. I will also to the utmost extent of my ability persecute and oppose (*persequar et impugnabo*) all heretics, schismatics, and rebels, to our said lord and his successors. I will personally visit the thresholds of the apostles every three years, and render an account to my said lord or his successors, of my whole pastoral office, as well as all things relating to the state of my church, the discipline of both clergy and people, and the salvation of the souls entrusted to my care: I will also humbly receive and diligently execute the apostolic commands." Bishops fettered by such an oath as this, may well be termed, "*sedis Romanæ vilissima mancipia.*"

IBID. p. 647. In A.D. 1237, "Otho, cardinal deacon came as legate to England by the king's command, but without the privity of his nobles; wherefore many conceived a great indignation against the king: and it is said that Edmund, archbishop of Canterbury, rebuked him for having invited the legate to England, to the prejudice of his dignity, and the great detriment of his kingdom. The king, however, despising his advice, went to the sea-shore to meet the legate, and bowing his head to his very knees, obsequiously ushered him into his kingdom. Every day he raved more and more, and made himself such a slave to the will of the Roman legate, that he appeared to worship his very footsteps; affirming both in public and in private, that he could neither alter, alienate, or dispose of anything without the consent of his lord the Pope or of the legate;

[s] Matth. Paris. [t] Paris, 1664, p. 69, &c.

so that he could not be called a king, but the Pope's vassal. By these, and similar absurdities, he made the hearts of his nobility bleed. But the lord Otho, by his prudent and modest demeanour, soon tempered the indignation which had been conceived against him."[u]

Wilk. i. p. 648. In the same year, when Otho "desired to enter the kingdom of Scotland, there to treat concerning the affairs of the church, as he had done in England, the king of Scotland replied: I do not remember ever to have seen a legate in my kingdom; and (thanks be to God) all things here are in such good order, that we require not the presence of one. *In the reign of my father, nor in the reign of any of my ancestors, hath a legate been allowed to enter the kingdom, nor will I suffer it, so long as I have the power to hinder it.* But since you have the reputation of being a holy man, I warn you to be careful how you enter my dominions, lest any mischief befal you; for wild and savage men dwell there, who thirst for human blood, and whom even I myself am not able to restrain."[v]

Ibid. p. 664. *Legatine Council of London*, A.D. 1239. The bishops met "to consult respecting the oppressions of the English church; for the legate, besides the daily exactions, demanded *procurations;* to whom, after consulting together, they replied with one voice, that Roman avarice had so often exhausted the goods of the church, that they would bear it no longer: 'Let him satisfy you who hath so unadvisedly invited you hither.' And thus, with querulous murmurings, they departed from the council."[w]

Ibid. p. 678. In the *Council of Reading*, A.D. 1240, the archbishops, bishops, mitred abbots, and nobles, being assembled, "the legate, on the part of the Pope, demanded from them importunately *the fifth part of all their personal property*, to enable him to withstand the emperor; to whom the bishops replied, that they would by no means submit to such an insupportable burthen, which affected the whole of Christendom, without the mature deliberation of a council; wherefore a remote day was appointed for their deliberation."[x]

Ibid. p. 679, A.D. 1240. "A new and execrable mode of extorting money, unknown to former ages, was introduced into England; for our holy father the Pope sent a certain collector into England, Peter Rubeus by name, who had been taught a new sleight, by which he might cozen the miserable English out of an immense sum of money; for he entered the chapters of monasteries, forcing and wheedling them to grant him money, by the example of other prelates, who (as he falsely asserted) had contributed with the greatest good will. The said impostor also made them swear that they would not inform any person of this species of exaction within half a year. At length the abbots came with a sorrowful countenance to the king, as the patron of their monasteries, and said—'Our lord the Pope requires from us that which is impossible, and imposes upon us a tax hateful to the whole world. We hold

[u] Matth. Paris. [v] Ibid. [w] Ibid. [x] Ibid.

our baronies from you, nor can we impoverish them without prejudice to your interest; for we cannot possibly fulfil the duties which we owe to you, and at the same time submit to the incessant extortions of the Pope.' Which when the king heard, eyeing them fiercely, and terrifying them with his vociferation, he cried out to the legate, 'Ho! my lord the legate, these wretched deceivers betray the secrets of the Pope, and will not grant your request! Do with them as you please; for I will give you up one of my strongest castles, that you may imprison them there.'" By this threat the abbots were awed into compliance; the bishops, however, taught by their example, returned an evasive answer, as they feared the consequences of a positive refusal; and the legate would have been completely foiled in that quarter, if he had not contrived to sow the seeds of discord among them, by which means he at length prevailed. The reply of the Berkshire rectors to the legate is very remarkable:—"Ecclesiastical property is by no means tributary to the see of Rome, which has a patrimony of its own. Since also, according to the holy fathers, the revenues of the church are to be applied to certain specific purposes, viz. the repairs of the church, the support of the ministers, and the poor, they ought not to be converted to other uses, unless by the authority of the universal church. The revenues of the church are indeed scarcely adequate to the support of the clergy, both from their smallness, and because, through the failure of the crop, there sometimes arises a famine in the country, and the poor are so numerous, some of whom die of starvation, that we, who can scarcely support ourselves and the poor, ought not to be obliged to contribute."[y]

Wilk. i. p. 684. In the year 1244, Pope Innocent IV. sent a new extortioner, of the name of Martin, to England, and gave him a power of excommunicating or suspending all such as should oppose his demands: the king, however, interposed a prohibition, and thus was he baffled in his design.[z]

Ibid. p. 686, A.D. 1246. "The Pope, more imperiously than usual, demanded of the English prelates that all beneficed clerks, if resident upon their livings, should pay the *third* part, and if non-resident, *the half* of their goods, to the Pope; adding many other hard conditions, and with that detestable clause '*non obstante.*' The demand was very properly refused, for the following, among other reasons:—

Item. Since the poor, of which there are an infinite number, are supported out of the revenues of the clergy, if half these revenues are taken away, alms must entirely cease.

Item. Since lately, under the name of a *twentieth*, 6000 marks were paid to our lord the Pope, according to the rule of proportion, the sum demanded would amount to 60,000 marks!"[a]

The document concludes with an appeal to the presence of our Lord Jesus Christ, and the decision of an œcumenical council.

[y] Matth. Paris. [z] Ibid. [a] Ibid.

Wilk. i. p. 694. A complaint made by the archbishop of Canterbury and his suffragans, in 1246, concerning the oppressions of the see of Rome, and the collation of benefices by provision.

Ibid. p. 697. In a letter of king Henry III. A.D. 1250, he says: "Whereas our chapels in the dioceses of Chester, Sarum, London, and elsewhere, have in our times, and in the times of our progenitors, possessed such freedom, *that neither our lord the Pope*, nor any archbishop or prelate, have exercised any power or jurisdiction in the same, either by appointing any thing in them, or exacting any subsidy," &c.

Ibid. p. 700. A letter from Pope Innocent IV. A.D. 1252, in which he promises the English prelates to act more cautiously for the future with respect to provisors: the presentation of foreigners to English benefices by the Pope. We learn from this letter, that livings in England to the annual value of 8000 marks, were at this time in the hands of Italians, in an age when a vicarage was usually of the value of *five* marks!

Ibid. p. 709. A.D. 1255. Rustandus, legate to Pope Alexander IV. demanded, in the Pope's name, "an *immense* sum from all the clergy, by means of a bull full of injustice, sufficient to wound the heart of the most patient; and had it been collected, the Church of England and the whole kingdom would have been reduced to the vilest slavery, and the most hopeless poverty. Thus, to give a single example, he commanded the monastery of St. Alban's to pay to the Pope *six hundred marks* on pain of *interdict!* In reply to this demand, Fulco, bishop of London, said: 'Before I submit to such intolerable slavery and oppression, I will lose my head.' 'And I,' said Walter, bishop of Worcester, 'will be hanged first.' Upon which all the prelates promised to follow the steps of St. Thomas the martyr, who suffered himself to be brained in defence of the liberties of the church."[b] Afterwards, however, the bishops were forced to comply to a certain extent.

Concilia Magnæ Britanniæ, &c. Edit. Wilkins, Vol. II.

Wilk. ii. 19. A.D. 1268. "All the Scottish bishops were cited by Othobon the legate, to attend a council which he was about to hold; and they sent the bishops of Dunkeld and Dunblane, lest, in their absence, something should be decreed to their prejudice. The legate made several constitutions which particularly related to Scotland, but which the Scottish clergy altogether refused to observe."[c]

Ibid. p. 64. Letter from archbishop Peckham to Edward I. A.D. 1281, complaining that the liberties of the church were not respected, and proving at some length that even kings are bound to obey the commands of the supreme pontiff, the successor of St. Peter.

Ibid. p. 67. A letter of the same archbishop to Pope Martin IV. A.D. 1281, respecting a bull relating to *tenths*, granted for the use

[b] Matth. Paris.

[c] Ex Scoti-Chronic. Paslat.

of the crusade, but which was believed to be a forgery. The letter begins thus: "To the most holy father in Christ, and reverend lord Martin, by the grace of God supreme pontiff of the holy Roman and universal church. I, Friar John, by divine permission, humble minister of the church of Canterbury, primate of all England, with filial reverence kiss your holy feet."

Wilk. II. p. 78. A.D. 1282. A letter from archbishop Peckham, to his proctors, whom he seems to have constantly maintained at the court of Rome, to manage the affairs of the English church. He sent them, it appears, three hundred marks, to be distributed partly in presents to the Pope and cardinals, and the rest for their own expenses. He assigns to one as an annual stipend thirty marks, to another twenty marks, and to a third a hundred shillings. This letter clearly shows the mischievous consequences of appeals to Rome: for the archbishop seems afraid lest the Pope should reinstate the bishop of Winchester, who had been canonically deprived; and the bishop of Hereford had boldly denied that the archbishop possessed any authority over him, and appealed to the Pope. See also p. 81.

Ibid. p. 88. Another letter from archbishop Peckham, A.D. 1282, respecting the bishop of Winchester, who had appealed to the Pope from his decision. He strongly condemns appeals, which he calls "the great plague of the universal church, and the refuge of all the wicked, who thus abuse the care of the Pope:" adding that his moderation ought to prevent the frequency of appeals.

Ibid. p. 192, &c. A.D. 1292, on the demise of archbishop Peckham, Henry, prior of the church of Canterbury, acted as official of the see during the vacancy, confirming the elections of the bishops of Bath and Wells, and St. Asaph, &c. (pp. 187, 195.) On the election of Robert Winchelsey, he wrote to the Pope to confirm the archbishop elect in the primacy. The chapter of Canterbury also sent two proctors to Rome, to obtain a bull of confirmation, with private letters to each of the cardinals requesting them to exert their influence with the Pope to obtain it: for they do not appear to have been aware that the see of Rome was then vacant. A.D. 1293, Pope Celestine V. sent to England four bulls, confirming the election, (which may be seen, p. 197, &c.) and also a pall for the new archbishop.

Ibid. p. 199. A.D. 1293. *Form of the petition for a pall:* "Your devoted daughter, the church of Canterbury, requests that a pall, *taken from the body of St. Peter*, may be granted to her elect (*archbishop*), that he may possess the plenitude of his dignity; and for this she instantly and earnestly supplicates your holiness." *Form used in delivering the pall:* "In honour of almighty God, and of the blessed Virgin Mary, and of the blessed apostles Peter and Paul, and of our lord Pope Celestine, and of the holy Roman church, and of the church committed to your charge, we deliver to you a pall taken from the body of St. Peter, as the plenitude of the

pontifical office; that you may use it within your church on certain days, expressed in the privileges granted by the apostolic see." Then follows the oath taken by the archbishop on receiving his pall, nearly the same as that which I have published in p. 40.

Wilk. II. p. 232. Letter from the archbishop to the Pope, A.D. 1297, excusing himself and his suffragans for having granted *tenths* of all ecclesiastical revenues to the king, to enable him to repel the Scots, contrary to the injunctions of his holiness. This letter is written in a style of the most servile adulation.

Ibid. p. 234.—*Petitions of the English bishops and clergy to the Pope,* A.D. 1297.

I. That the procurations demanded by the cardinals who have been last sent to England, viz. fourpence from every mark for the second year, and threepence for the third year, be reduced, both because the said procuration amounts to an exceedingly burthensome and unheard-of sum, and because the said cardinals (*originally*) demanded only *one* full procuration. Also because the church of England hath been for a long time, and is at present, oppressed by such various and unprecedented grievances, as to be unable to support such large procurations. Also because sentences of excommunication have been pronounced by the said cardinals, with a view to the exaction of these procurations, under the hardest conditions; and so little time is allowed, that many are involved from poverty, who are by no means in fault. Also because such excessive procurations are manifestly unjust; and Othobon, of pious memory, and other legates, received only moderate procurations of *six marks* from prelates and larger monasteries, sparing the parochial clergy altogether.

II. That the last taxation of English benefices, made by the command of the Pope for the collection of *tenths*, with a view to the crusade, be reduced; as the livings are overvalued, and their value is diminishing every day; especially as it will otherwise be considered as a standard for all future taxations.

IV. That the nuncio of the apostolic see may not demand more from the English bishops, in the way of *Peter's pence*, than hath of old been usually paid from each diocese.

V. That diocesans may have the full disposal of the goods of such of the clergy as die intestate, according to ancient custom, without being obliged to pay anything out of the said property to the papal nuncio.

Ibid. p. 242. Letter from the archbishop to the proctors of the English prelates at the court of Rome, A.D. 1298, in which he says: "Although we have not yet received the proceeds arising from the grant of a half-penny from each mark, of all the ecclesiastical property in our province, to defray your expenses; yet, since we understand that you require more money than we delivered to you, we have borrowed 100*l.* which we send. At the same time we

marvel not a little at your immoderate and profuse expenses hitherto; in which respect you must be more prudent in future."

Wilk. II. p. 252. Letter from archbishop Winchelsey to the Pope, A.D. 1299, requesting his acceptance of two thousand marks!

Ibid. p. 259 and 263. There are two letters written by this archbishop to the court of Rome, A.D. 1300, complaining of the encroachments upon his jurisdiction by the abbot and monks of St. Augustine's, Canterbury, who endeavoured to extend their privilege of exemption to all the churches of which they had the patronage. In the first of these, directed to his proctor at Rome, he says: "Wherefore we command you, as you regard our honour, and that of our church, that you urge our friends at the court of Rome with earnest and continual supplications. whenever an opportunity shall present itself, that, as far as they possibly can, they cause the premises to be made known to our lord the Pope." In the latter, written to the Pope, he says: "The more frequently that the apostolic see, the mother and mistress of all, with her wonted benignity, grants to some who approach her extraordinary privileges and favours, depending upon the plenitude of her power, so much the more will men of depraved appetites wickedly endeavour to circumvent that see with various falsehoods and deceits. But the authority of the holy fathers hath determined that they shall utterly forfeit what they have (so unjustly) gained, and their frauds becoming notorious, they should make the apostolic see more cautious in granting such privileges."

Note. Nothing can more forcibly point out the evil consequences of appeals than these two documents. We here behold the primate and metropolitan of a great nation prostrating himself at the feet of the Pope, and supplicating him, in the most abject and humiliating terms, that *forty-four churches of his own diocese* might be restored to his jurisdiction; wrested from him under pretence of papal bulls of exemption.

Ibid. p. 266. A.D. 1301, William de Gaynesburgh, elect of Worcester, "presented to the king an apostolic bull, in which it was stated that 'the pope committed to him the administration of both spirituals *and temporals* in the said diocese;' and for the fault which he seemed to have committed against the king, by receiving the pope's bull, which granted him a *temporal* jurisdiction, the said bishop was fined *a thousand marks*, to be paid at the discretion of the king."[d]

Ibid. p. 267. A.D. 1301, Pope Boniface VIII. commanded the bishop of Durham to appear before him in person. This prelate, it seems, claimed a power of visiting the prior and chapter of the church of Durham; and when they resisted his claim on the grounds of prescriptive right and papal exemption, he sequestered their lands, threw their prior into a dungeon, forced another prior upon them after a mock election, and in answer to the remonstrances of the

[d] Ex MS. Cotton, Cleopatra, E. 1, f. 2 0.

archbishop of York, who had been appealed to, declared that "he would not alter his determination, either for the Pope, the king, the archbishop, or any one else." For this misconduct he was cited to appear at Rome within three months, but we are left in the dark with respect to the result.

WILK. II. p. 271. A bull of Pope Boniface VIII. A.D. 1301, exempting the masters and scholars of the university of Oxford from the authority of all bishops, archbishops, or *legati nati;* and placing them under the exclusive jurisdiction of their chancellor. All interdicts, excommunications, &c. pronounced against them contrary to the tenor of his privilege, are declared to be null and void.

IBID. p. 275. A letter from archbishop Winchelsey, A.D. 1303, to one of the cardinals, in which he says: "Whereas, moreover, our said lord Pope Boniface of sacred memory exempted John, bishop of Winchester, our suffragan, with all his subjects, from our jurisdiction as long as he lived; by whose insolence and enormous excesses it hath happened that many souls have been endangered: and whereas, as we have heard, the said bishop purposes to use his interest that these privileges may be renewed, we entreat you to exert yourself that this may not be done."

IBID. p. 289. A bull of Pope Clement V. A.D. 1307, exhorting king Edward II. to restore the temporalities of his diocese to Walter Jorz, who had been promoted to the see of Armagh by *papal provision.* He says in this document: "The church of Armagh having become vacant by the decease of archbishop John of pious memory, who died at the apostolic see, we therefore, considering that no person but ourselves ought to interfere concerning the provision of that church: for long before the vacancy, at the very beginning of our pontificate, we thought proper to reserve to ourselves the *provisions* of all churches, whether archiepiscopal or episcopal, which should fall vacant at Rome; decreeing that any appointment which should be made by any authority contrary to the said determination, should be *ipso facto* null and void: we therefore, by the advice of our brethren, and with the plenitude of our apostolic authority, appointed the said Walter to be archbishop and pastor of the said church (of Armagh), committing to him fully the care and administration of the same both in spirituals *and temporals.* We also caused him to be consecrated by our venerable brother the bishop of Ostia; and conferred on him a pall by the hands of our beloved son Landulf, cardinal deacon of St. Angelo. Wherefore, we entreat and exhort your magnificence to restore to the said archbishop the temporalities of the said church, which were withheld during the lifetime of your father Edward of illustrious memory, and are said to be still withheld by you."

IBID. p. 322.—*Letter of Clement V., complaining of the following grievances,* A.D. 1309.

That some of the officials and ministers of our beloved son Edward, king of England, have presumed to inflict the grossest in-

juries upon our dear children *Neapoleon* and Francis, cardinals of the holy Roman church.

When it hath happened that, according to the custom of our predecessors, and according to our undoubted right, we have appointed worthy and sufficient persons to ecclesiastical benefices in the said kingdom by provision, some of the said officials, who glory in their wickedness, audaciously prohibited them from exercising the ministry which has been thus committed to them, or from instituting any processes, &c. on that account.

When citations have been published by the authority of the apostolic see, in causes which belong to the ecclesiastical jurisdiction, although they are published against ecclesiastical persons, they prevent our commissaries from acting upon them, and notaries from engrossing public instruments.

When the nuncios of the apostolic see are sent to England upon any business, they dare not make known the authority which we have granted to them for the purpose, in any way, till they have first informed the king; for should they act otherwise, after being dreadfully threatened, they are driven with disgrace from England; or sometimes they are attacked and arrested, as if they had been vile and infamous characters, in contempt of the apostolic see.

That the father of king Edward, having for the space of about fifteen years omitted to pay the thousand marks of silver which are due to this church as an annual tribute, we have not been able to obtain satisfaction.

WILK. II. p. 424.—*Bull of Pope Clement V.*, A.D. 1313.

Clement a bishop, servant of the servants of God, &c. Whereas we have determined to provide a fit person for the church of Canterbury, when it shall become vacant, we have, by our apostolic authority, specially reserved the provision of the said church for this time to our disposition: strictly prohibiting the chapter of that church from proceeding to any election or postulation, with a view to the appointment of an archbishop: decreeing at the same time, that if any thing shall be attempted, knowingly or ignorantly, contrary to this our prohibition and reservation, it shall be *ipso facto* null and void. And if any person shall presume to infringe this letter of reservation, let him know that he will incur the wrath of the omnipotent God, and of his blessed apostles Peter and Paul.

IBID. p. 427. A.D. 1313. A letter of the prior and chapter of Canterbury, to Thomas Cobham, whom they had elected to the primacy, in which they say: "Verily we sighed deeply, and groaned in spirit, when we heard that our lord the supreme pontiff had, in the plenitude of his power, reserved to himself the provision of our church of Canterbury, now vacant; since however nothing is impossible with God, we confidently hope, that although in this affair the *door of right* is closed against us, nevertheless we may obtain what we desire by the *door of supplication*." They accordingly sent

letters to the Pope, entreating him to confirm the election of Thomas Cobham: but he, regardless of their wishes, translated Walter Raynold from the see of Worcester to that of Canterbury. The letters of the prior and chapter may be seen p. 428, and the bulls of the Pope p. 430.

Note. Provision was one of the most glaring instances of papal usurpation. At first the Pope seems to have claimed only the right of *confirming* elections canonically made by the chapter. Then he claimed a power of *devolution*, i.e. of appointing a proper person to the see, should the chapter neglect to exercise its privilege; or should the party elected be unworthy of the office of a bishop,—a power which was exerted in the case of Stephen Langton. Next he usurped the patronage of all sees belonging to persons dying at Rome (*vacantes in curiâ*), by virtue of which Pope Clement V. appointed Walter Jorz to the see of Armagh.[e] The case before us is the first instance of *absolute provision* to a bishoprick which I have met with.

WILK. ii. p. 463. A.D. 1316, Pope John XXII., in consideration of the merits of archbishop Walter, granted him permission to visit the several dioceses in his province, without observing the regular period of three years: he also dispensed with that part of his oath which obliged him to appear personally before the Pope at the end of five years, to renew his oath of canonical obedience; as his absence at this period would have been very prejudicial to the church and kingdom.

IBID. p. 467. A bull of the same Pope, A.D. 1317, exhorting the two archbishops to assist Asserius, his nuncio, in the collection of *St. Peter's penny*, which had been of late very ill paid. He directs them to proceed against defaulters by ecclesiastical censures, and, if necessary, to invoke the assistance of the secular arm.

IBID. p. 469. A bull of the same Pope, also in 1317, exhorting archbishop Walter to avenge the insults and injurious treatment which two of his cardinals had received, whom he sent as legates to England. In the same page are the bulls of Gregory VI. and John XXII., on the ancient and modern payment of *St. Peter's penny* in England. "That there may be no doubt respecting the manner in which *St. Peter's penny*, now due to our treasury, should be collected in England, and in what dioceses it is due we have caused it to be noted down in these premises as it is contained in the register of the apostolic see. 'From the diocese of Canterbury 7*l.* 18*s.* sterling; London 16*l.* 10*s.*; Rochester 5*l.* 12*s.*; Norwich 21*l.* 10*s.*; Ely 5*l.*; Lincoln 42*l.*; Chichester 8*l.*; Winchester 17*l.* 6*s.* 8*d.*; Exeter 9*l.* 5*s.*; Worcester 10*l.* 5*s.*; Hereford 10*l.* 6*s.*; Bath 12*l.* 5*s.*; Sarum 17*l.*; Coventry 10*l.* 5*s.*; York 11*l.* 10*s.*'"

"Concerning *St. Peter's penny*, (he proceeds) we thus find it written in the Chronicles: 'A.D. 857, Adewalfus (*Æthelwulf*), the father of king Alfred, granted that every year 300 *mancusses* should be paid to Rome, which were to be thus divided: viz. 100 man-

[e] See p. 47.

cusses in honour of St. Peter, to be specially applied to the lighting of his church, and 100 mancusses in honour of St. Paul, for the same purpose. Moreover he decreed, that 100 mancusses should be paid every year to the universal Pope, to increase his alms.' And it is to be observed, that a *mancus* and a *mark* were then used to signify the same coin; so that every year there were paid by the English, as St. Peter's penny, three hundred marks."

Wilk. ii. p. 557. A bull of Pope John XXII., demanding the *first* fruits of all the benefices and monasteries which should become vacant in the province of Canterbury, within three years. (About A.D. 1329.)

Ibid. p 559. A.D. 1332, the bishop of Exeter appealed to the Pope against the visitation of his diocese by the archbishop; and yet says he, "the venerable father, notwithstanding our said appeal, of which he was fully aware, in ridicule, irreverence, and contempt of the rights, jurisdiction, and honour of our most holy father, the Roman pontiff, whose decision in this case ought to have been waited for, and to our prejudice, desiring to blind the understanding of the simple, &c., hath sent a letter containing severe ecclesiastical censures against all who shall impede his visitation; which letter we forbid you, in virtue of your obedience, and on pain of the greater excommunication, to publish in our cathedral or diocese."

Ibid. p. 568. A bull of Pope John XXII., confirming the election of John Stratford to the see of Canterbury, in which he says: "Long since, during the lifetime of archbishop Simon, of pious memory, we, desiring to place a fit person over that see by apostolic provision, whenever it should become vacant, thought proper specially to reserve to our own appointment, the provision of the said church for that turn. Wherefore, by our apostolic authority, we translate you from the see of Winchester, to the administration of the church of Canterbury; fully committing to you the jurisdiction of the same both in spirituals and temporals." Yet, from the letters which had gone before, it is evident that John Stratford had been duly elected by the prior and chapter of Christ's church, Canterbury. This occurred about A. D. 1333.

Ibid. p. 574. A.D. 1334, king Edward III. sent a letter to the bishop of Exeter to inquire how many benefices in that diocese were in the hands of aliens; and it appears from the bishop's answer that the number of livings and pensions in the diocese of Exeter, held by foreigners, amounted to about fifty. This diocese now contains six hundred and thirteen benefices.

Ibid. p. 584. A letter from king Edward III. to the Pope, complaining of the conduct of the bishop of Winchester, who had appealed from his metropolitan to the apostolic see, A. D. 1337. The letter however exposes the evils of the system altogether: "For (says the king) it would be of most pernicious example if, by such false suggestions as these, suffragans could escape the correc-

tion of their metropolitan, and oppress their subjects *ad libitum*, without any fear of a speedy remedy; and also that they should be able to compel them to be continually going to the Roman court to obtain a remedy."

Wilk. ii. p. 715. In the chapter of black monks, A. D. 1343, "there were exhibited letters sent from the cardinals for the expenses of those who had published the papal decrees; in which, on pain of severe ecclesiastical censures, they demanded, by the authority of the Pope, that three hundred florins should be provided for them by the chapter. The presidents of the said provincial chapter protested that they were willing to obey the commands of the Pope in all things, as far as they were able, and as far as they were permitted by the king; they also instructed master John Barrett, notary-public, to prepare a legal instrument; but there arrived a royal prohibition, commanding them not to levy any contributions towards the payment of a tax out of the kingdom and dominions of the king of England, under the name of an imposition or tallage, and on pain of a heavy forfeiture of all things which could be forfeited to the king."[f]

Ibid. p. 726. A royal brief of king Edward III., directed to the bishop of Worcester, A. D. 1343, to the effect, that no papal bulls, processes, rescripts, &c. should be received in England, without the king's special command or permission.

Concilia Magnæ Britanniæ, &c. edit. Wilkins, Vol. III.

Wilk. iii. p. 7. A. D. 1350. The archbishop of Canterbury confirmed the election of the chancellor to the university of Oxford, upon which the bishop of Lincoln appealed to the Pope; but the archbishop pronounced the appeal to be frivolous and illegal, and cited the appellant before him for contempt.

Ibid. p. 90. Bull of Pope Gregory XI. A. D. 1371, prohibiting all patriarchs, primates, and archbishops from having their crosses carried before them in the presence of his cardinals, who were representatives of the apostolic see.

Ibid. p. 94. From the commission of the archbishop of Canterbury, &c. A. D. 1373, we learn that papal bulls were frequently forged. See also a bull of Pope Urban V. A. D. 1368, complaining that some merchants had forged a bull of Pope Innocent VI.[g]

Ibid. p. 97. "About the beginning of the month of August, A. D. 1374, there was a treaty at Bruges, to decide several questions then pending between the Pope and the king of England, which treaty continued for nearly two years; but at length it was agreed that

[f] Ex. MS. Cotton Otho. A. xv.

[g] I have, in my library, a curious little duodecimo volume, in Latin and English, reprinted at Oxford A. D. 1678, from the Roman copy intituled, "*The Decrees of our Holy Father Pope Innocent* XI.," in which a number of indulgences are suppressed as apocryphal and declared to be null and void. About *fifty-four* are specified and described, but many others are condemned generally.

the Pope should not in future use any reservations of benefices, and that the king should not confer benefices by the writ '*Quare impedit.*'"[h]

WILK. iii. p. 97.—*Synod of the province of Canterbury*, A.D. 1374.

"In this synod, a subsidy was again demanded from the clergy in the king's name: the clergy however complained that within a few years they were quite exhausted by the royal expenses; especially as almost every year demands were made upon them, not only by the king, but by the Pope; *but that if* HIS *intolerable yoke could be thrown from their necks, they might more conveniently assist the king in his necessities,*—on which condition *tenths* were at length granted to the king for one year. William Courtney, however, bishop of Hereford, relying on his nobility—for he was son of the earl of Devon—declared with a loud voice, that neither he, nor the clergy of his diocese, would give anything till the king had applied a remedy to the calamities so long endured by the church. This synod being concluded, ambassadors were sent by the king to the Pope, that he might no longer make reservations or provisions of vacant benefices; and that persons elected to cathedral or conventual churches might enjoy their elections with plenary authority, having received their confirmation, according to ancient custom, *from the metropolitan.* They were also commissioned to propound to the pope several other particulars, in which the king, clergy, and people of England had but too long felt themselves aggrieved." The pope seems to have given a vague reply, for the king thought it expedient to write to him again; and when his second answer had been received, "it was decreed in parliament, that cathedral churches should freely enjoy their right of election, and that the king should not hinder them by his power, or by interceding with the Pope, but should rather assist them by his authority."[i] There is nevertheless, in the same page of Wilkins, a bull of Pope Gregory XI., A.D. 1375, professing to translate Simon of Sudbury from the see of London to that of Canterbury, by virtue of his having reserved to himself the appointment during the lifetime of the last archbishop: the clause resembles that quoted in p. 48.

IBID. p. 101. From a commission of archbishop Simon de Sudbury, A.D. 1375, we learn that Pope Gregory XI. demanded the sum of sixty thousand florins from the English clergy; amounting to at least a twentieth part of their ecclesiastical revenues.

IBID. p. 105. Mandate of the archbishop of Canterbury to the bishop of Hereford, A.D. 1376, exhorting him to excommunicate such of his subjects as should refuse to contribute their portion of the 60,000 florins, mentioned above; authorising him at the same time to sequester their livings to that amount.

[h] Walsingham
De Antiq. Brit. Eccl. edit. M. Parker, p. 380.

WILK. iii. p. 107.—*Royal brief against the reception of papal bulls, &c.* A.D. 1376.

Being desirous of avoiding the evils and dangers which may accrue to ourselves and to our kingdom by these and similar (*documents*), we command that if any letters, bulls, or other writings whatsoever, prejudicial to ourselves or our subjects, shall be brought to you, immediately upon the receipt of them ye send them safely and securely to us and to our council.

IBID. p. 108. Another royal brief in the Norman French to the same effect, A.D. 1376. Also a reply of the archbishop in Latin, assuring the king of his compliance.

IBID. p. 145. Letters apostolic of Pope Urban VI., A.D. 1380, giving notice to the English that *many* bulls lately sent to this country, containing dispensations in cases of matrimony or bastardy, indulgences granted to churches, licences for the consolidation of benefices, &c. were infamous forgeries.

IBID. p. 207.—*Royal prohibition against papal exactions*, A.D. 1389.

RICHARD, by the grace of God, king of England and France, and lord of Ireland.....*Whereas* in our parliament lately held at Westminster, the commons of our said kingdom entreated us to provide a remedy against the subsidies exacted from the clergy of our realm by the supreme pontiff; and that whosoever of our liege subjects should from that time forth bring to England any papal bulls for the levying of such impositions, hitherto unknown, which may be prejudicial to ourselves and our kingdom; and whosoever shall presume to publish or collect such imposition or innovation without our consent, should be esteemed a traitor to ourselves, and executed: and *Whereas*, notwithstanding we granted their request, a new subsidy, in behalf of the supreme pontiff, is about to be exacted without our will and consent, we command you, by the fidelity which you owe to our person, and on pain of the forfeiture of all things which can be forfeited to us, to desist altogether from levying such exactions from our clergy.

IBID. p. 208. A.D. 1389, there is a protest of the two archbishops against any thing enacted by parliament to the derogation of the apostolical power, or the subversion of ecclesiastical liberty; and from p. 212, it appears that in 1391 the clergy granted a subsidy to the Pope, in spite of the royal prohibition.

IBID. p. 237.—*Modification of the statute of* "PROVISORS," *by king Richard II.*, A.D. 1398.

1. That when a bishoprick becomes vacant, after waiting a sufficient time for the election, the supreme pontiff may provide for the elect, if the king writes in his behalf, or for any other liege subject of the king whom he may please.

2. That in all cathedral or collegiate churches, the Pope may

provide his cardinals or other Englishmen with *three* benefices, alternately with the diocesan; so that they be not the chief dignities, elective, or such as require residence.

3. The supreme pontiff shall, with respect to benefices which may become vacant before the festival of Easter next ensuing, provide for the first vacancy which occurs, and the patron or diocesan for the next.

WILK. iii. p. 284—314. Various documents, written between A.D. 1406 and A.D. 1408, relating to the schism which then existed in the papacy between Benedict XIII. and Gregory XII., each of whom was naturally anxious that the English hierarchy should acknowledge his pretensions as Pope. In the council of Pisa, A.D. 1409, *both* were declared to be guilty of heresy, perjury, contumacy, &c., and Peter of Candia was elected under the title of Alexander V. By this means there were *three* popes instead of *two:* for the condemned pontiffs still continued to perform the functions of the papacy, assembling councils, &c., and each of them fulminating bulls of excommunication against his rivals. These schisms were so numerous, that, in the Italian edition of Platina, I counted *twenty-eight* instances, between the years 452 and 1439, in which there were two or more Popes at the same time. As these conflicting pretensions were supported by faction, and as the legitimacy of the title was eventually decided rather by the power and influence of the candidate, than by the justice of his cause, (*for if unsuccessful he was immediately stigmatised as an* ANTI-POPE,) Roman Catholics would find it extremely difficult, if not impossible, to prove the uninterrupted succession of their Popes. Those by whom the question was decided were confessedly fallible; and indeed, in the year 1382, the English clergy received Urban VI. as Pope, while the French declared in favour of Clement VII.

IBID. p. 361.—*Articles for the reformation of the universal Church, presented by the University of Oxford to king Henry V.,* A. D. 1414.

Art. I. That although John XXIII. is certainly the true Pope, it would much conduce to the peace of the church if he, as well as the other two anti-popes, would voluntarily abdicate, so that the whole christian world might be reunited under one true head.

Art. II. That cardinals should be elected by a majority of the conclave, instead of being appointed absolutely by the Pope.

Art. V. Against the detestable simony practised at the court of Rome.

Art. VI. Against the prodigal grant of papal indulgences.

Art. VII. Against the enormous fees received by the apostolic see for the creation or translation of bishops: and also against the reservations of *first-fruits*, authorised by no written law, and which are a scandal both to the said see and the whole christian church.

Art. VIII. Against the excessive fees demanded by the see of Rome for letters of indulgence, absolution, &c., which encourage inferior prelates to oppress the clergy and laity in the same manner.

Art. XXIX. Whereas, according to the doctrine of our Saviour, all who have the cure of souls ought to feed the flock of Christ with the food of salutary doctrine, and to drive the wolves from the sheep by the barking of holy preaching; yet some are promoted in the kingdom of England who are entirely ignorant of the language of the country, and are therefore dumb, and unable to instruct their parishioners: it seems expedient that no person should hold a benefice in any country unless he understands the vulgar language of that country.

Art. XXXVII. Whereas those whom the church of England admits not to the dignity of the priestly office, but rejects as unfit and unworthy, are often sent hither from the court of Rome, ordained, as if they had been proper persons, although exceedingly ignorant and illiterate; let supplication be made to the supreme pontiff that such ignorant, simple and illiterate persons, may not hereafter be promoted to holy orders, to the scandal of the court of Rome and of the whole church.

WILK. iii. p. 380. Council of Perth, A. D. 1416, from the acts of which it appears that Scotland was the only province of the christian world which admitted the claim of Benedict XIII. to the popedom.

IBID. p. 391.—*Concordat granted by Pope Martin V. for the reformation of the Church of England,* A. D. 1419.

Art. I. That the number of cardinals shall be henceforth so moderate as to be no longer a burthen to the church; and that the office shall be elective.

Art. X. That Englishmen, provided they be proper persons, may be elected to the various offices of the court of Rome, indifferently with other nations.

Art. XI. With respect to all these premises, the supreme pontiff will cause one or more bulls to be drawn up, as many as may be required, and granted to the English nation gratuitously.

IBID. p. 471–487.—*Letters and instruments relating to the misunderstanding between Abp. Chicheley and Pope Martin V.* A. D. 1426.

There are twenty documents altogether.

I. The Pope complains in a letter to the two archbishops, that prebendal stalls and other benefices, the patronage of which belonged to the apostolic see, had been disposed of without his concurrence. He requires them to do him justice on pain of excommunication, and a forfeiture of the patronage of those benefices the collation of which belonged to them either by right or custom.

II. The archbishop's answer is very submissive, and begins with these blasphemous words: "Most blessed father, after (*assuring you of*) the most ready obedience and submission, devoutly kissing the

ground before your feet, *and doing every thing which an humble creature can do to his Lord and Creator,*" &c. which are only to be paralleled with a dedication to a volume of Latin poems, which I have seen in the library of G. N. Best, Esq. Bayfield Hall, Co. Norfolk. The name of the author I forget, but he inscribes his work "*Domino Deoque suo Sigismundo.*"

III. A letter from the archbishop to the college of cardinals, assuring them that he has been belied to his holiness, and requesting their intercession in his behalf.

IV. A letter from the Pope, repeating his conviction that the archbishop was an enemy to the apostolic see and the liberties of the church.

V.—X. Two letters from the archbishop, the first to the Pope, and the other to one of the cardinals, who was his patron, submissively defending himself, and requesting his eminence, as the price of his intercession, "to accept an annual pension of fifty English nobles *for wine.*" These are followed by three others—from the English bishops; from the university of Oxford; and from some of the nobility, written to the Pope in behalf of the archbishop.

X.—XVI. Six letters from the Pope; viz. three to the archbishop, two to king Henry VI., and one to the English parliament: in all of which he bitterly complains of the statute of "*provisors,*" as an encroachment upon his prerogative. In Letter XV. he says to the archbishop—"In the first place then, by means of that execrable statute, the king directs the church of England exactly as if Christ had appointed him his vicar. He makes laws which relate to churches, benefices, and the ecclesiastical state; he commands spiritual and ecclesiastical causes to be brought before himself and his lay court; and, in one word, he makes decrees which affect the church, as if he had the keys of the church in his hands, and as if the care of it had been entrusted to *him,* and not to Peter." The letter concludes with sundry threats of excommunication, &c.

XVI. The archbishop, with tears in his eyes, and accompanied by the bishops, earnestly besought the parliament to repeal the statute of "*provisors;*" representing in lively colours the dreadful consequences of an *interdict,* which he feared that the Pope would fulminate against England if they did not comply with his wishes. The parliament however continued firm.

XVII. A bull of Pope Martin V. depriving the archbishop of his legatine authority over the realm of England.

XVIII. The archbishop's appeal from the authority of the Pope to that of a general council; in which he states his resolution to defend the liberties of the church of England, notwithstanding any citation, admonition, mandate, suspension, interdict, excommunication, &c. which might be issued by the Pope.

XIX. After this, it appears that the Pope sent some bulls to England; but before they were read, Walter Lowther, Gent., claimed them in the name of the lord protector, under the statute

"*Præmunire;*" strictly forbidding the archbishop to publish the said bulls, which were supposed to be prejudicial to the crown and dignity of the king, on pain of incurring all the penalties specified in the said statute.

XX. A royal brief, commanding that all papal bulls should be sent immediately to the king, without being either opened or published.

WILK. iii. p. 551. A bull of Pope Eugenius IV., A.D. 1446, accompanied by a present of a *golden rose* to king Henry VI. as a special mark of his regard. This *rose*, as he tells us in his bull, was annually consecrated by the reigning Pope on the seventh Sunday after Septuagesima, when the *Introit* to the mass is, "*Lætare Jerusalem*," and given to some prince whom he particularly esteemed on account of his power and merit. *The bull is however accompanied by a request that the king would send by the messenger who brought it, the tenths imposed the year before, on account of the Turks; so that he intended to sell the bauble at a dear rate.* The affair of the golden rose occupies two folio pages!

IBID. p. 552. Letter from the archbishop to the Pope in the same year, apologising for not having levied the *tenths* above mentioned. He says: "But, O most blessed father, since the laws and statutes of this realm are opposed to things of this nature, threatening the loss of goods and life, it was necessary to obtain the king's licence. But his majesty replied in the presence of your orator, that he would send his orators to Rome, to inform your holiness of his intentions upon this subject; and he commanded me not to attempt to take any steps in this collection, either personally or by deputy.

IBID. p. 595. A.D. 1464, Pope Pius II. demanded a subsidy from the clergy, to enable him to carry on a war against the Turks. The archbishop on this occasion sent a kind of circular to all his suffragans, exhorting them to compliance; in which he says, among other things:

"*Item*, to shewe unto hem, that where our said holy fadre chargith in such streitewise the said royaumes, whereunto the necessitie of his said holy viage compellith hym, and that in that case it wolle please hym, of the benygne favour that he berith to the chirch of England, to spare to charge the same chirche of such streitnesse . . . . Our said holy fadre, of grete and ample grace, chargith onely the said chirch of England with the said *disme*, forbering the remenaunt, which togidre he might without resistance obteyne of his power and authoritee apostolique, if he wold put the extremitee thereof in execution."

IBID. p. 609. Bull of Pope Sixtus IV., A.D. 1476, in behalf of the liberties, privileges, and immunities of the English clergy: that they should not be liable to arrest, and also that their persons or property should not be molested by the civil power.

IBID. p. 615. A bull of the same Pope, A.D. 1483, authorising archbishop Bouchier, in consideration of his age and infirmities, to celebrate mass in the afternoon.

WILK. iii. p. 707. *A bull granted by Pope Clement VII. to king Henry VIII.*, A.D. 1527. It begins by mentioning the king's scruples at having married his brother's widow without a dispensation, and then proceeds thus: "And if it shall happen that your marriage with the said Katharine is declared to have been and to be null and void, and that you are lawfully absolved from that connexion, by the plenitude of our apostolic authority, we grant you a dispensation to marry any other woman: although she may have contracted a marriage with any other man, provided that the marriage has not been consummated; or although she should be related to you in the second or a remoter degree of consanguinity, or in the first degree of affinity; provided that she be not the relict of your said brother."

IBID. p. 714. *Oration of king Henry VIII. to the bishops, the nobility, and the commons of his realm*, A.D. 1528, in which he urges the necessity of a divorce, not merely as a matter of conscience, but of civil policy. He shows from history, and especially in the case of Edward IV.'s children, the evils which might arise should there be any doubt respecting the legitimacy of the princess Mary. He says that lately, when he was endeavouring to negociate a marriage between her and the Duke of Orleans, son to the king of France, it was objected by one of his counsellors, "that before the marriage took place, inquiry ought to be made whether Mary was our legitimate daughter." In this speech he pays a high compliment to the virtues of queen Katharine; solemnly declaring, that were it not for his religious scruples, she would be the woman of his choice.

IBID. p. 725. In the convocation, February 1530, it was proposed to the prelates and clergy to put the following clause in the commencement of their grant of subsidy: "of the church and clergy of England—of whom he alone (i.e. *the king*) *is the protector and supreme head;*" to which however they objected, and the king modified it thus: "of whom he alone is the protector and supreme head *after God.*" At length, on the 11th of February, the archbishop proposed the article concerning the king's supremacy to the convocation in these words: "Of the church and clergy of England, whose singular protector only and supreme lord, and (*as far as we may be allowed to say so by the law of Christ*) also supreme head, we acknowledge his majesty to be." The archbishop then said, "He who is silent shall be considered as giving his consent:" upon which, some one cried out, "Then will we all be silent;" and so, by unanimous consent, both houses of convocation subscribed to this article.

IBID. p. 745. *Protest of Tunstall, bishop of Durham*, against the title of "*supreme head of the church*," given by the convocation to the king. The protest was made A.D. 1531.

IBID. p. 746. *Protest of archbishop Warham*, A.D. 1531, that he would consent to no measure derogatory to the supreme pontiff, or prejudicial to the liberties of the church of England.

WILK. iii. p. 755. *Royal proclamation*, A.D. 1532, "That no person of what condition or state soever he be, do purchase from the court of Rome, execute, or divulge, any thing heretofore within this year passed, purchased, or to be purchased hereafter, containing matter prejudicial to the high authority, jurisdiction, and prerogative royal of this his said realm, or to the let and impeachment of his grace's noble and virtuous intended purposes in the premises; upon pain of incurring his highness's indignation, and imprisonment, and further punishment of their bodies, at his grace's pleasure, to the dreadful example of all others."

IBID. p. 755.—*Oath of the Clergy to the King*, A.D 1532.

"I, John, bishop of A., utterly renounce, and clearly forsake, all such clauses, words, sentences, and grants, which I have, or shall have hereafter, of the Pope's holiness, of and for the bishoprick of A., that in any wise hath been, is, or hereafter may be, hurtful or prejudicial to your highness, your heirs, &c. And also I do swear that I shall be faithful and true, and shall bear to you my sovereign lord and your heirs, of life and limb, and earthly worship above all creatures, to live and to die with you and yours against all people. Your counsel also I shall keep and hold; acknowledging myself to hold my bishoprick of you only, beseeching you to restore the temporalities of the same," &c.

IBID. p. 756. Decision of the convocation in favour of the divorce, A.D. 1533.

IBID. p. 757.—*Protest of Cranmer against the Pope's jurisdiction*, A.D. 1533.

"In the name of God, amen. I, Thomas Cranmer, elect to the see of Canterbury, declare, allege, and in these presents openly, publickly, and expressly protest, that when it shall be necessary for me to take the oath (*of fidelity*) to the supreme pontiff, usually administered to the archbishops of Canterbury elect, either before or at the time of my consecration, rather *pro formâ* than as a matter of obligation; it is not, nor shall be, my will or intention, by any such oath or oaths, (whatever may appear to be the meaning of the words in which they are expressed,) to bind myself in virtue of the same, either to say or do any thing which is, or appears to be, contrary to the law of God, or contrary to our most illustrious king, and the laws and prerogatives of his kingdom. Nor do I mean to bind myself by such oath, in any way, not to speak, consult, or acquiesce freely, in all and singular things relating to the reformation of the Christian religion, the government of the church of England, or the prerogative of the crown; or not to reform all things in the church of England, which may appear to me to stand in need of reformation."

In the sequel, he declares that he will not consider himself bound

by any oath, taken by his proxy at the court of Rome, contrary to the tenor of this *protest.*

WILK. iii. p. 757. A public instrument, being the solemn decision of the prelates and clergy of the province of Canterbury in favour of the divorce, A.D. 1533.

IBID. p. 759. *Archbishop Cranmer's sentence of divorce,* A.D. 1533, in which he calls himself "*Apostolicæ sedis Legatus.*"

IBID. p. 760. *Address from the convocation to the king,* A.D. 1533, entreating that an act might be passed to abolish *annates,* or the first-fruits of dioceses, exacted by the court of Rome before bishops elect could obtain their bulls of confirmation: "By reason whereof, the thesaurie of this realm hath been had and conveyed to Rome; which continually getteth, by this means and many other, much goods and profits out of this realm, and never departeth with any portion thereof hither again. By means of *annates,* bishops are so impoverished, that if they should die in a few years after their consecration, they leave behind such debts as are the undoing of their friends and creditors." It is added, that as the king has the custody of the *temporalities* of a diocese, and the primate of the *spiritualities,* during its vacation, there can be no pretence for such extortion; and they entreat the king, in the event of the Pope's refusing the said bulls, to withdraw his obedience from the see of Rome.

IBID. p. 769. *Definitive sentence of Pope Clement VII.,* pronouncing the marriage of king Henry with his brother's widow perfectly valid, and forbidding it to be annulled or set aside, A.D. 1534.

IBID. p. 769.—*Convocation of the province of Canterbury,* A.D. 1534.

The question was put—"Whether the Roman pontiff hath any greater jurisdiction over this realm of England granted to him by God in the holy scriptures, than any other foreign bishop?" Thirty-four denied that he had any such authority; one doubted; and four affirmed.

IBID. p. 771. Declaration of the university of Cambridge, to the same effect.

IBID. p. 774. Declaration of the dean and chapter of St. Paul's, to the same effect.

IBID. p. 775. Protestation of the university of Oxford, to the same effect.

IBID. p. 782. Declaration of the province of York, to the same effect. All made in 1534.

IBID. p. 772. *The king's proclamation,* A.D. 1534, abolishing the usurped authority of the bishop of Rome, and commanding the bishops and clergy "to declare and publish unto the people the great and innumerable enormities and abuses which the said bishop of Rome, as well in title and style as also in authority and jurisdiction, of long time unlawfully and unjustly hath usurped upon us."

WILK. iii. p. 780.—*Oath of Stephen Gardiner, bishop of Winchester,* A.D. 1534.

He calls Henry VIII. "defender of the faith, lord of Ireland, and in earth of the church of England supreme Head, immediately under Christ," and professes thus: "that from this day forward, I shall swear or promise to no foreign potentate or prelate, nor yet to the bishop of Rome, whom they call the Pope, any oath or fealty, directly or indirectly; but at all times I shall observe and maintain, to all effects and intents, the quarrel and cause of your royal majesty and your successors, to the utmost of my power. I profess the papacy of Rome not to be ordained of God in holy scripture, but declare it to be set up only by man. Furthermore, that the said bishop of Rome is not to be called '*pope*,' or '*supreme bishop*,' or '*universal bishop*,' or '*most holy lord*;' but only ought to be called, '*bishop of Rome*,' or '*fellow brother*,' as the old manner of the most ancient bishops hath been."

IBID. p. 781. Oath of bishop Bonner, and sponsion of bishop Lee, to the same effect.

IBID. p. 792. *Condemnation and excommunication of king Henry VIII. by Pope Paul III.*, A.D. 1535, sentencing him (if he should continue contumacious) to the loss of his crown and dominions; to be deprived of Christian burial; and to be smitten "with the sword of everlasting damnation." Fortunately however for the king—fortunately, I may add, for religion, the power of his holiness was by no means commensurate with his inclination; and the thunders of the Vatican, which in the 12th century would have either hurled the monarch from his throne, or awed him to obedience, in the 16th century rolled harmlessly over his head.

Having thus conducted the reader from the mission of Augustine by Gregory the Great, to our emancipation from the papal yoke, I conclude the chapter.

The *Records* at the end of each volume, in the folio editions of Burnet's "*History of the Reformation*," are earnestly recommended to the reader's attention. The Bishop's History, and other works relating to that eventful period, will also be found useful; but *documentary evidence* is always to be preferred to the writings of a partisan, whether Protestant or Roman Catholic.—"*Cautè lege*" is a piece of advice of which the reader should never lose sight, whether he is perusing the works of a Varillas, a Burnet, or a Foxe.

CHAPTER III.

ON THE ORDERS, DISCIPLINE, AND REVENUES OF THE ANCIENT ENGLISH CLERGY.

§. I.—*The Hierarchy and Clergy.*

1. That there were bishops in this island long before the arrival of Augustine has been already proved: bishops of York, London, and Colchester having been present at the council of Arles, A.D. 314.[k] After the Saxon invasion the Britons, laity as well as clergy, were driven out of what is now called England, and compelled to take refuge in *Gallia Armorica*, and in the fastnesses of Wales and Cornwall; and the seven British bishops who attended the council of Worcester, A.D. 601, gave Augustine to understand that they were independent of the Pope, and subject to a metropolitan of their own:[l] a dignity which was successively vested in the sees of Llandaff, Caerleon, and St. David's.[m]

In the infancy of the Anglo-Saxon church, there were, as might naturally be expected, but few bishops, so that a diocese frequently extended over an entire province, or kingdom of the Heptarchy.[n] Hence it was that, notwithstanding their prejudices, they, in the seventh century, frequently derived their consecration from the Welsh or Irish bishops, who differed from them in the observance of Easter, the tonsure, and a variety of other particulars: possibly in the very ceremonies of consecration. This explains the assertion of Bede, that a little before the arrival of archbishop Theodore there was but one canonically-appointed bishop throughout the whole island, viz. Wini.[o]

2. The archbishop of Canterbury had anciently a sort of *Patriarchal* jurisdiction, extending over all the British isles;[p] at general councils he is said to have taken precedence of all the western archbishops;[q] and, from the year 1195 till the final abolition of the papal supremacy in England, was termed "*Legatus Natus*" of the

[k] Spelm. Concil. i. 42.
[l] See above, p. 21.
[m] For an account of this conference and a statement of some of the ancient British sees, see above, p. 21.
[n] Bedæ Hist. lib. iii. c. 20, et passim.
[o] Ibid. lib. iii. c. 28.
[p] Wilk. i. 35, et 327.
[q] Burn's Eccl. Law, i. 197.

Pope: *i. e.* legate of the Pope in virtue of his metropolitan dignity, and without creation. As late as the year 1533, Cranmer terms himself "*Apostolicæ sedis Legatus:*" probably the last instance of the kind before the Reformation.[r] This dignity was, however, for the most part, merely nominal, legates (*a latere*) having been frequently sent to England, who not merely superseded his authority in this respect, but shamefully encroached upon his metropolitan, and even episcopal jurisdiction.[s]

The right of mintage (or the coining of money) secured to the archbishops of Canterbury in the council of Grateley, A.D. 928, must have been a very important privilege, though not an exclusive one. The abbot of Canterbury, the bishop of Rochester, and possibly some other prelates, also possessed a right of mintage.[t] So exalted was this dignity before the Conquest, that the weregild of the primate was, by the Kentish law, greater than that of the king: nay, on one occasion the signature of archbishop Janbyrht is placed before that of king Offa.[u]

The suffragan bishops of the province of Canterbury appear to have claimed a right of electing their metropolitan before the year 1200; but there is a great deal of confusion relative to this point. In later times the monks of Canterbury exercised that right *as far as royal and papal interference would permit.*[v]

III. The archbishop of York was anciently metropolitan, not only of all England north of the Humber, but of the whole realm of Scotland.[w]

In the provincial council of London, A.D. 1175, the archbishop of York, by proxy, claimed a metropolitan jurisdiction over the sees of Lincoln, Chester, Worcester, and Hereford; and these claims not being allowed, he appealed to the Pope.[x] For many ages the prelates of this see struggled against the pre-eminence of the church of Canterbury. In the council of Westminster, A.D. 1176, at which Hugezun, the legate, presided, the archbishop of York, "disdaining to sit at his (the legate's) left hand, forced himself into the lap of the archbishop of Canterbury; but was immediately *knocked down* by the other bishops and clergy: he was severely beaten and thrust out. In the midst of the tumult the legate privately withdrew, and dissolved the council."[y]

The claim of the archbishops of York to have the cross carried before them in the province of Canterbury, and several extracts to the same purpose, may be seen in this chapter, *Wilk.* ii. 526, and vol. iii. 31.

Each archbishop had a right of *option;* i. e. a power of selecting some piece of preferment in the diocese of every suffragan bishop whom he consecrated. This important privilege is still continued,

[r] See p. 60. [s] Supra, p, 39, 40. [t] Wilk. i. 206.
[u] Ibid. i. 151. Item, *Text. Roffens*, ap. Johns. Addenda, A.D. 602.
[v] Johns. A.D. 1126 pf. et 1164 pf. et 1222 pf. [w] Wilk. i. 325, 479, &c.
[x] Johns. A.D. 1175 pf. et A.D. 1237 pf.
[y] Hoved. ap. Wilk. i. 485,

and is even disposable of by will.[z] The archbishop also claimed a *heriot* on the death of any of his suffragans.

In the province of Cashel the archbishop claimed the best ring, cup, chain, or breviary, of a suffragan bishop upon his decease.[a]

Archbishops also possessed a power of visiting the dioceses in their respective provinces and correcting abuses; and a clerk might appeal from the bishop to his metropolitan.

According to the decree of the third council of Lateran (cited in the council of Westminster, A.D. 1200, can. 5.), the retinue of an archbishop at his visitations was not to exceed the number of forty or fifty men and horses.[b]

The distinctive vestment of an archbishop was the pall[c] represented in our *frontispiece*; and he bore a cross in his left hand instead of the crook or pastoral staff: otherwise there was no difference between his costume and that of a bishop.

The power which he possessed of summoning his suffragans to a provincial synod, has been already noticed.

The temporary spoliation of the see of Canterbury to erect an archbishopric at Lichfield, A.D. 785, may be seen in this chapter, Wilk. i. 152, &c.

IV. *Bishops*, in the Church of Rome, are not considered a distinct *order*, but the highest *degree* of the priesthood: [d]this, however, is merely a scholastic nicety, the power of conferring orders and administering the rites of confirmation, &c., being as strictly confined to bishops as they are among ourselves.

The power of convening diocesan synods, and visiting all the churches and monasteries in their respective sees, which were not specially exempted from their jurisdiction by the Pope; of trying spiritual causes in their own courts; of claiming delinquent clerks from the secular authorities, &c., were privileges anciently possessed by the English bishops.

The bishop alone could absolve in what were termed *reserved cases*—such as sacrilege, incest, murder, sins against nature, &c.; but the burning of churches, falsifying bulls, laying violent hands upon the clergy or monks, and a few other crimes, could be only absolved by the Pope or his legate.[e]

Before the year 1085, the spiritual and secular jurisdictions were so mingled together that the bishop sat in the Hundred Court; but about that time, by royal mandate, they became distinct and independent of each other.[f]

Subsequently, each bishop had a separate court, and also a prison for delinquent clerks, heretics, &c.[g]

In his parochial visitations, the retinue of a bishop was limited to the number of twenty or thirty attendants, with their horses,

[z] Burn's Eccl. Law, i. 197.
[a] Wilk. iii. 566, can. 78.
[b] Wilk. i. 505.
[c] See above, p. 11,
[d] Schram, tom. 3, cap. 19, §. 1132. Schol. i. p. 520.
[e] Wilk. i. 637, cap. 20. Item, Johns. A.D. 1236, cap. 16, and N. u.
[f] Ibid. i. 368.
[g] Ibid. i. 755.

which were to be entertained for a night and a day:[h] but in later times a composition in money was received instead. And here it is to be noted, that the bishop or archdeacon could claim only one full procuration in a day, however many churches he might visit during that interval. The bishop might occasionally levy subsidies from his clergy to the amount of a full procuration, but no more.[i]

N.B. In England this amounted to 150 turons. The turon was the twelfth part of a floren, and the floren was four shillings and fourpence: so that a full procuration may be valued at £2 14*s.*, about *fifty-four* pounds of our present currency! *Quære*—Was this the full procuration of the deanery? Few *individual* parishes could have borne such a burthen—nearly equalling in amount a vicar's yearly stipend; but being distributed among ten or twelve incumbents, whose parishes could easily be visited in one day, the quota of each (payable triennially?) would not have been excessive. A list of the procurations formerly exacted by archbishops, bishops, archdeacons, and rural deans, may be seen in Johnson's Canons, vol. ii., A.D. 1336.

Before the actual endowment of the church with tithes and land, the bishop received as his portion one-fourth of all the *oblations* made throughout his diocese; but in later times each parish priest paid him annually a fixed sum, termed *Cathedraticum* (or *Honor Cathedræ*), and also a small fee on receiving the sacred oils on Maundy Thursday;[k] notwithstanding the Legatine prohibition.

A bishop was expected to be resident in his diocese at least upon the principal festivals, and on the Sundays in Advent and Lent, when he was to celebrate mass in the cathedral;[l] he was constantly to retain about his person some discreet and honest men, as witnesses of his life and conversation; and the solemn profession which he had made when he was consecrated was to be read to him twice a-year to remind him of his duty.[m]

In the event of a bishop's ordaining priests without a title, he might be compelled to maintain them till they could be otherwise provided for.[n]

The vestments of a bishop were, the sandals, amyt, albe, girdle, with the succingulum (an ornamental addition), stole, tunicle, dalmatic, chasuble, maniple, mitre, pastoral staff, gloves, and ring. The cope was worn on solemn occasions; the rochette and mozzetta belonged rather to his civil costume. The pall, though generally peculiar to metropolitans, was sometimes granted to a bishop by special privilege of the Pope.[o] Instances of this kind are however extremely rare, nor are there any English examples.

There were about sixteen episcopal sees in England at the period of Bede's death, and the same number at the conquest: soon after which, many of them were translated from mere villages to populous towns.[p]

[h] Wilk. i. 505.
[i] Ibid. i. 506.
[k] Ibid. i. 19. Item, Du Cange, Gloss. voce *Cathedraticum*. Item, Johns. Addenda to, A.D. 1138, vol. ii.
[l] Wilk. i. 654. Item, tom. ii. 10.
[m] Idem, i. 382, et 585.
[n] Idem, i. 506.
[o] Du Cange, Gloss. voce *Pallium*.
[p] Bedæ Hist. lib. v. cap. 24. Item, Wilk. i. 363.

The succession of our archbishops and bishops may be seen in Le Neve's "*Fasti*," Heylin's "*Titles of Honour*," &c., and their biographies in Malmsbury "*de Gestis Pontificum Anglorum*," Godwin "*de Præsulibus Angliæ*," and Wharton's "*Anglia Sacra*."

v. Of *Chorepiscopi*, or village bishops, I have not discovered any traces in the *English* branch of the Catholic church, but in Ireland, this ancient order was in existence as late as the year 1216, when it was finally abolished by Paparo the cardinal legate.[q] Towards the end of the eighth century, Charlemagne directed a suppression of the chorepiscopi, and about the middle of the tenth century, the order was totally extinct.[r] The solitary exception of Ireland may be considered as a proof of her ancient independence.

The *Chorepiscopus* appears to have been a regularly consecrated bishop, but without any jurisdiction of his own. Acting under the diocesan, he presided over *a district*, and performed various episcopal functions. He could grant *literæ formatæ* to such of the clergy as went into another diocese;[s] he was allowed to consecrate churches, to dedicate virgins, to ordain to all the minor orders of the ministry, including that of subdeacon, and to confirm. He could not however confer the orders of deacon and priest, without the express permission of the diocesan.[t] The 12th canon of the council of Ancyra, the 113th canon of the council of Neocæsaræa, and the 10th canon of the council of Antioch may be consulted with advantage.[u]

VI. The *Archpresbyter*, or *Rural Dean*, otherwise termed "*Decanus Christianitatis*," was appointed by the bishop to preside over the rectors, vicars, and clergy of a particular district. It was his duty to censure delinquent clerks within his jurisdiction, and to investigate charges of heresy, as president of the rural chapter. Citations were frequently entrusted to his care; he had a seal of office, and when he visited the parishes of his deanery, was allowed to have two attendants with him upon horseback in token of his dignity.[v] Before the year 1237, the rural dean was the general confessor of the clergy belonging to his deanery; but as he was also the judge of their excesses, this was found so inconvenient, that subsequently to that period, the bishop appointed confessors in each deanery, to whom the clergy might make their confessions, as they were "*ashamed or afraid*" to confess to the dean.[w]

According to the etymology of the term *deanery*, it probably at first included about ten parishes; and each rural dean had two or three public informers acting under him, to denounce heretics and delinquent clerks.

As the rural dean was the successor of the village bishop, when that ancient office was abolished, I have placed the archpresbyter

q Wilk. i. 547.
r Capitul. lib. vi. c. 121. Schram, tom. iii. c. xix. §. 1164. Schol.
s Vide Bingham, Orig. Eccl. lib. ii. c. 3. §. 5.
t Schram, ubi supra, item Bingham, ii. 14, 4. &c.
u Labbæi Concil. *passim*.
v Wilk. i. 637; item, tom. iii. 378; item, tom. i. 506. et 655; item, Du Cange, Gloss. voce *Decanus Christianitatis*.
w Wilk. i. 651.

before the archdeacon: at the same time I am well aware that the former was subordinate to the latter, both in dignity and jurisdiction.

VII. The *Archdeacon* was in the eleventh century in deacon's orders only, and was appointed by the bishop to act as his deputy—"*quoad forum externum.*" Till the severance of the ecclesiastical from the civil jurisdiction by William the Conqueror, he sat in the Hundred court, subsequently to which, he had a court of his own, and a power of visitation throughout his district, which included several rural deaneries. It was his duty to present pluralists and concubinary priests to the diocesan; to clip the long hair of clerks; to examine the parochial clergy, and see that they were able to read the sacred offices; to inspect the books and vestments of the church as well as its state of repair. He might interdict the lands of those who oppressed the clergy, and fine any rector or vicar who should neglect to demand his tithes, to the extent of half a mark. He might also inflict a moderate suspension upon such of the clergy as acted contumaciously. The archdeacon's visitation was, in Lyndwode's time, held triennially, but in some cases it was annual. His attendants upon such occasions were not to exceed the number of five or seven with their horses, and his procuration was limited to 50 turons, or about 18 shillings. He moreover claimed a fee of one penny from every clerk coming to officiate within his archdeaconry.[x]

VIII. *Vicars general* were appointed by bishops to check the encroachments of archdeacons, and invested with an authority somewhat similar, but the appointment was revocable at will.[y]

IX. The *Pœnitentiary* was the bishop's deputy, in the hearing of reserved cases.[z]

X. The *Theologus* was a professor of Divinity attached to the Cathedral church, whose office it was to promote the study of theology among the clergy of the diocese,[a] and to instruct them in all things relating to the cure of souls. He usually held a prebendal stall in the cathedral.

XI. The *Dean* (Decanus) anciently signified the president over ten monks, and there were several in a convent, but in cathedral churches the dean, termed also *præpositus* (provost), presided over the chapter, and took precedence in the cathedral next after the bishop.[b]

XII. The *Canon* or *Prebendary* was a member of the cathedral chapter, and received a portion of its revenues for his support. Hence the term præbendarius, from *præbenda*, an allowance.[c]

Such were the *dignified* clergy of the church before the Reformation: let us next take a very brief survey of the inferior orders of the ministry.

XIII. These were priests, deacons, subdeacons, acolyths, exorcists,

[x] Wilk. i. 368 et 408 et 435, &c. et 477 et 501; item, tom. ii. 513, et passim. Johns. A.D. 1342, cap. 11.
[y] Schram, Theol. tom. iii. cap. xix. §. 1153. Schol. 3.
[z] Ibid. Schol. 4.
[a] Ibid. Schol. 5.
[b] Ibid. Schol. 6.
[c] Ibid. Schol. 6.

readers, and ostiaries: but the *first tonsure* conferred the privileges of clerkship, and exempted from the civil jurisdiction.

An explanation of the functions of these various orders, may be seen in this chapter, Wilk. i. 251; and a statement of the vestments appropriated to each, together with the forms of ordination, will be found in the introduction to the next chapter.

XIV. Of the parochial clergy, some were rectors and other vicars: the great tithes in the latter case being received sometimes by a monastery or other ecclesiastical corporation: sometimes by a mere laymen: sometimes by a clerk in minor orders. Lay impropriations existed in Scotland as early as the year 1225.[d] The *chaplain* was a sort of curate removeable at will, and the chantry priest was appointed to celebrate mass for the soul of some wealthy founder, who had endowed an altar in the church for that purpose. Guilds or religious confraternities had also their chaplains.

§. 2. *On the Learning, Morality, and Influence of the Clergy;—the Scholastic Theology, &c.*

At a time when the law of celibacy was compulsory, clerical profligacy admitted of a palliation, by no means applicable at the present day; nor ought we to forget, when we meet with canons against the drunkenness or incontinence of the clergy, that they were a much more numerous body than they are now; a majority of persons honoured with that title, having no higher claim to it than our modern sextons or parish clerks: for acolyths, ostiaries, and even those who had barely received the first tonsure, were included under this general designation. At the same time, the sad details of my third section clearly expose the folly of a system, under which it appears to be expected, that in becoming *priests* we should cease to be *men;* and indeed, that section comprises in its greatest force the historical argument against the law of priestly celibacy.

In the middle ages, the learning of the parochial clergy was at so very low an ebb, that a knowledge of the creed, and such an acquaintance with letters as might enable him to *read* the offices, were frequently the only literary qualifications of a candidate for holy orders; and indeed in the reign of Alfred, very few of the clergy were able to translate any portion of the service![e] In justice however to our predecessors in the ministry, we ought to recollect, that books were at that period extremely scarce and costly, and before the invention of the art of printing, the library of the richest monastery presented a less goodly array than the shelves of a poor curate in our own times.

"There have been ages (says D'Israeli),[f] when for the possession of a manuscript, some would transfer an estate, or leave in pawn for its loan hundreds of golden crowns; and when even the sale or loan

[d] In this chapter, Wilk. i. circa p. 610, cap. 79

[e] Wilk. ii. 144, Hallam's Middle Ages, ii 436 et Spelm. i. 379.

[f] Curiosities of Literature, edit. 1838, p. 7, Art '*Recovery of Manuscripts*'. Item, Life of Caxton, p. 15.

of a manuscript was considered of such importance as to have been solemnly registered by public acts:" and he tells us, "that Louis XI. of France could not obtain the MS. of Rasis (an Arabian writer) from the Library of the faculty at Paris, without pledging 100 golden crowns; that a pledge of 10 marks of silver for the loan of a volume of Avicenna was refused in 1471, and that a countess of Anjou bought a favourite book of homilies for 200 sheep, some skins of martins, and bushels of rye and wheat. Alfred the Great is recorded to have given eight hydes of land (or about 900 acres) for a single book on cosmography."

When the means of acquiring knowledge were so very limited, the greatest lights of the age were learned only by comparison, while a vast majority of the priesthood were profoundly ignorant, and the people must have utterly perished for lack of knowledge, had no remedy been provided for the evil. The Anglo-Saxon prelates however compiled homilies in the vernacular tongue, to be read by the clergy to their flocks, several of which are still extant, and translations of them have been published by Miss Elstob, Johnson, Soames and others. Quotations from them may be seen in the introductions to my second and fourth chapters.

In the year 1281, archbishop Peckham issued a sort of exposition of the Catholic faith, which was to be read in the parish churches four times a year;[g] licensed preachers were sent by bishops through their dioceses,[h] and the preaching friars, of whom I shall have occasion to speak elsewhere, frequently occupied the pulpits of the parochial clergy.

The scholastic theology of the middle ages, exhibits at once the perfection of metaphysical subtlety, and the utter imbecility of the human mind, when it ventures beyond the limits assigned to it by the Creator. The schoolmen are perpetually imagining difficulties, that they may display their ingenuity by solving them, and the questions[i]——,

"An Adamo umbilicus fuerit?"

"An pars excisa de Christi corpore tempore circumcisionis ejus adhuc manducetur in Eucharistiâ?"

"Si canis vel porcus vel mus deglutiret hostiam consecratam, an Corpus Christi transiret in stomachum bestiæ?"

"An surrecturi simus cum visceribus nostris?"

"An erit stercus in paradiso?"

"Cur Messias, cùm esset Redemptor utriusque sexûs, non erat hermaphrodita?" and many other such questions will be found seriously discussed in their ponderous tomes.

No question was too minute for their scrutiny, or too sacred for their intrusion,

"And fools rushed in where angels fear to tread."

[g] Wilk. ii. 54.

[h] Ibid. iii. 315.

[i] Petri Lombardi Sent. lib. iv. Dist. 13, cap. '*solet*'; Ibid. lib. iv. Dist. 44, cap. *primo*; et Gent. Mag. Oct. 1745.

The following analysis, drawn up by Mr. Sharon Turner,[k] will give the reader an excellent idea of the '*Summa Totius Theologiæ*,' Aquinas's greatest work.

The edition before him was that of Paris 1615, occupying 1250 closely printed folio pages, of very small print in double columns.

The whole is thrown into a logical form. The difficulty is proposed first, with all the sophistical reasons which might be urged in its support. Next follows what Saint Thomas believed to be the sound and orthodox doctrine, in the form of a proposition or conclusion; after which he replies to the sophistical arguments *seriatim*, exposing their fallacy out of Scripture, reason, and the fathers.

There are 168 articles on Love; 358 on Angels; 200 on the Soul; 85 on Demons; 151 on the Intellect; 134 on the Law of God; 3 on the *Catamenia;* 237 on Sins; 18 on Virginity, &c.

The following may be considered as a fair sample of his conclusions:—

Angels were not before the world.

Angels might have been before the world.

Angels were created by God.

Angels were created immediately by God.

Angels were created in the empyrean sky.

Angels were created in a state of grace.

Angels were created in perfect happiness.

Angels are incorporeal with reference to us, but corporeal with reference to God.

Angels are composed of action, potentiality, &c.

. . . . . .

God, an angel, and the human soul, are not contained in space, but contain it.

Many angels cannot be at once in the same portion of space.

The motion of an angel in space is nothing more than different contacts of different successive places.

The motion of an angel is a succession of his different operations.

It is continuous or discontinuous at will.

The continuous motion of an angel is necessary through every medium, but may be discontinuous without a medium.

The velocity of an angel's motion is not according to his strength, but his inclination.

The motion of the illumination of an angel is threefold, viz. circular, straight, or oblique.

A single specimen from the "*Secunda Secundæ*" of Thomas Aquinas, will explain to the reader his mode of reasoning better than any verbal description. I quote from the Venice edition, A.D. 1479.

There are altogether 634 folio pages, in double columns, in which 189 principal questions are discussed; each of these questions being subdivided into eight or ten subordinate parts.

[k] *Apud* Curiosities of Literature, Lond. 1838, p. 22.

Thus *Quæstio* LXVI relates to theft or injuring the property of our neighbour, and is divided into the following sections.

1. Whether property is a natural right.
2. Whether it be lawful for a man to possess property.
3. Whether theft consists in the secret appropriation of what belongs to another.
4. Whether the sin of rapine differs in species from theft.
5. Whether all theft is sinful.
6. Whether theft is a mortal sin.
7. Whether theft is allowable in cases of necessity.
8. Whether rapine is always a mortal sin.
9. Whether rapine is a more grievous sin than theft.

The average space appropriated to each of these heads is a closely printed folio column, very much contracted: *ex gr.*

Ad sexium sic procedit̃ur. Vr̃ q' furtū nō sit pc̃tm mortale. Dr̃ .n. puer 6 no gradis ẽ culpe cu qs furatus fuerit: Sz̃ oe pc̃tm mortale ẽ gradis culpe g furtu n ẽ pc̃tm mortale."

He treats the subject as follows:—

"It appears that theft is not a mortal sin—for it is written in Proverbs vi. 30, (vulgate version) 'It is not a grievous crime when a man steals, for he steals to satisfy his hungry soul,' but every mortal sin is a grievous crime, ergo, theft is not a mortal sin."

"Secondly. Every mortal sin is worthy of death, but the Mosaic law does not inflict the penalty of death for theft, (Exodus xxii. 1.) ergo, &c."

"Thirdly. Theft includes small things as well as great: as for example, when a man steals a needle or a pin; but it does not seem just that for such a theft a man should be punished with eternal death; ergo, &c."

Conclusion.

"But no man is condemned (to death) by the divine law, unless for mortal sin. Yet there is a condemnation for theft, (Zechariah v. 3.), ergo theft is a mortal sin."

"To the first of the above arguments, I answer that theft is a mortal sin, being contrary to the love of our neighbour. In Proverbs vi. 30, theft is declared not to be a grievous crime on two accounts, 1, because the necessity may be so urgent that it ceases to be a crime, and 2, it is not grievous in comparison with some other crimes, such as adultery or murder."

"To the second I reply, that the penalty of death is not inflicted for all mortal sins, but only for those which entail an irreparable injury."

"And to the third, that in articles of small value the possessor does not suffer any loss, and the man who appropriates them, knows that he is not acting contrary to the will of him to whom they belong."

"The man, therefore, who steals such trifles may be excused from mortal sin, unless he means to injure his neighbour by so doing, in which case he is guilty of mortal sin."

Thus it was the very genius of the scholastic theology to raise difficulties and start objections, with a view rather to the display of ingenuity than the acquisition of truth; to

"Confute, change sides, and still confute."

Gratian's '*Decretal*' was another very celebrated work in the middle ages. Its compilation occupied twenty-four years, and it consists of canons of councils, passages from the works of the fathers, and the decretal epistles of the popes, classified and arranged under certain rubrical heads. It was completed A. D. 1151.

The edition before me is that of Sebastian Brant, A. D. 1493, containing 1040 pages, in quarto. In the first part there are 101 *distinctions*, each of which is subdivided into chapters.

In the second part there are 36 *causes*, and in the third and last there are 5 distinctions "*de consecratione*." In this elaborate work, as might have been expected, a great many spurious treatises are cited as genuine works of the fathers.[1] There is a marginal glossary to each page.

Of much the same nature was "*the Book of the Sentences*," compiled by Peter Lombard, in the twelfth century. As its title implies, it consists of *sentences* from the works of the fathers arranged under certain heads, and it is divided into four books:—

1. On the being and attributes of God.
2. On the works of creation.
3. On the work of redemption.
4. On the sacraments, and the last judgment.

On this Book of the Sentences many commentaries have been written. My edition is that of 1495.

The writings of our two archbishops Lanfranc and Anselm, may be consulted with advantage, as illustrative of the theology of the eleventh and twelfth centuries; and I would also recommend the literary antiquary to make himself acquainted with the *golden legend*, and the chronicles of our various monkish historians.

§. 3. *Sermons and Homilies of the Middle Ages.*

Before the introduction of the preaching friars, about the middle of the thirteenth century, sermons must have been exceedingly rare in this country; and it is a very remarkable fact that *among all the ancient catalogues of church furniture, I have never found any mention of a pulpit!* The itinerant friar usually preached in the open air, at the market cross, or the cross erected in the church-yard; and four times a-year the parish priest read a homily to his congregation, probably from the steps of the altar.

[1] See here Coci *Censura*; James on the *Corruptions of the Fathers*; Cave's *Historia Literaria*: and Du Pin's *History*.

I shall now quote two specimens from a very curious work printed in the fifteenth century, (about 1480). "*Sermones notabiles et formales Magistri Alberti ordinis prædicatorum,*" selected nearly at random with a view to fairness and impartiality.

His fifty-seventh sermon, on the third Sunday after the octaves of Pentecost, has for its text Luke xi., "Rejoice with me, for I have found my sheep that was lost," &c.

I. "The hundred sheep signify the elect, that number being perfect: for ten multiplied by ten makes a hundred," ("centenarium enim numerus multiplici perfectione dicitur esse perfectus: decem namque decies ducta faciunt centum.")

"And let it be noted that good christians are compared to sheep for four reasons:—because they obey the voice of their pastor; because they follow him; because they delight to hear his whistle; and because they are assembled together in the heat of the day; by which he means that all are exposed to the tribulations of this present life."

[In this place the preacher gives a summary of the decalogue with a glossary upon each commandment; the second being omitted and the tenth divided into two.]

"The Lord goes before us with the staff of his cross, and we ought to follow his steps; but those who attend dances or play at football, do not follow the steps of Christ but of the devil."

II. "By the ten pieces of silver the elect are also signified. The *drachma* was a coin of fixed value, bearing the effigy of Cæsar."

"We ought to resemble this coin in four respects, 1, in its material; 2, in its form; 3, in its weight; 4, in its superscription."

1. "If the drachma was of gold, it signified patience and christian love; if of silver, chastity and purity of heart."

2. "The round shape of this coin signifies the hope that is set before us; the circle being an emblem of eternity."

3. "Its weight signifies the fear of the Lord, which prevents us from being carried away with every wind of doctrine."

4. "The image upon this coin is twofold: the image of mercy and the image of justice; and we receive this double image from God our King, whose money we are."

III. "By the *hundredth sheep* and the *tenth piece of silver* that was lost, we are to understand every sinner: by the man who lost his sheep, the Lord Jesus Christ himself; and by the woman who lost the piece of silver, the divine goodness and wisdom."

IV. "By the *friends* and *neighbours* who are invited to rejoice, we are to understand the holy angels."

Conclusion.

"Let us entreat the Lord that we may be recalled by his mercy from the error of sin, and joined to the number of his elect."

N.B. Each sermon occupies about three folio pages.

SERMON XXXII.

On the Assumption of the Blessed Virgin Mary.

"Progreditur quasi Aurora consurgens, pulchra ut Luna." Cant. vi.

"We are taught five remarkable things by the very name of the glorious Virgin: for the name MARIA consists of five letters;—M. Mediatrix; A. Alleviatrix; R. Reparatrix; I. Illuminatrix; A. Auxiliatrix."

"By the sin of our first parents, and our own manifold transgressions, five evils were entailed upon us: 1, the anger of God; 2, sickness and death; 3, the loss of spiritual strength; 4, darkness and blindness of heart; 5, the attacks of our cruel enemies: and to remedy these five evils the Mother of God was appointed to be our Mediatress, Alleviatress, Repairer, Illuminatress, and Auxiliary."

I. "She was raised above angels and archangels, that as a pious *Mediatress* she might continually intercede for sinners."

II. "She is the *Alleviatress* of our infirmities, having brought forth the Son of God, who is the Medicine of the whole world; and she is that blessed ground from which the Most High God produced this precious remedy."

III. "She is the *Repairer*, having brought forth Him who giveth virtue and strength unto his people."

IV. "The blessed Virgin is moreover the *Illuminatress* of heaven and earth: for as the sun dispelleth the darkness of the (material) world, even so did she prepare her tabernacle for '*the Sun of righteousness*,' who giveth light to those who sit in darkness and in the shadow of death."

V. "Lastly, she is our *Auxiliary*, because the faithful will find in her a sure refuge."

Conclusion.

"Let us therefore fly to this powerful auxiliary, that we may be protected by her in the day of judgment against all our enemies."

The reader will find a sermon of the age of Richard II., in Chaucer's *Canterbury Tales*, ('*The Parson's Tale*,') and several very curious ones in Foxe, in one of which the preacher endeavours to prove that the Lord's prayer might lawfully be addressed to the saints. Latimer's sermons, and especially that upon the cards, and "*the game of triumph*," prove that the love of Allegory survived the Reformation.

§. 4. *On Tithes and other Ecclesiastical Revenues.*

An entire section of the chapter having been devoted to this branch of my subject, little remains to be said here.

In the infancy of the church, bishops used to dwell in monasteries with their clergy, sending them forth occasionally to baptize and

teach.[m] Before the complete establishment of Christianity, the clergy were supported by the voluntary contributions of the people, but in all probability the tithe system came into full operation at a very early period. The first express mention of tithes occurs in the excerptions of Ecgbert, archbishop of York, A.D. 750,[n] or about a hundred and fifty years from the conversion of Ethelbert by St. Augustine: but the custom is not there spoken of as a novelty. It is a great mistake to imagine that the payment of tithes in England originated in the grant of Ethelwulf, or in the subsequent enactments of other Anglo-Saxon kings: for the grant in question was a donation of *every tenth hyde of land* to the church,[o] and the other kings merely gave a legal sanction to a practice which had long existed. In these grants there is not a word relative to the *fourfold division* of tithes, and it was therefore probably nothing more than a voluntary arrangement of the clergy, which very soon fell into total desuetude.

In ancient times, the clergy received *personal* as well as *predial* tithes, or a tenth of all professional emoluments and of the profits of trade; and this principle was carried out to such an extent, that even the tenth part of a servant's wages was exacted in the diocese of Sodor, as late as the year 1291.[p] There were, moreover, a great many surplice fees which have been for the last three centuries totally obsolete, such as mortuaries, trentals, months'-minds, &c. A statement of the various oblations anciently paid to the church, may be seen in a note at the end of chapter v. §. 5. The *church scot* will be explained in this chapter.

Bishops at first received a fourth of all the church revenues,[q] but afterwards each parish priest paid his bishop a small sum on Maundy Thursday, when he received the *chrism*, an annual fixed payment called *cathedraticum* or *honor cathedræ*, and a procuration (in lieu of entertainment) when he visited his diocese.

The division of England into large districts, analogous to what are now called parishes, probably took place about the time of archbishop Theodore, who flourished A.D. 670.

The parochial clergy were divided into rectors, endowed with the great tithes of the parish; perpetual vicars who received the small tithes, and the *altaragium*, (or oblations and fees connected with their ministry); and chaplains (also called vicars) analogous to the stipendiary curates of our own times, and removeable at the will of the rector or vicar, the average stipend being about five marks a year.

Independently of the above, there were inferior clergy connected with most of our larger churches, such as deacons, subdeacons, acolyths, and so forth; but every parish must have had at least its

[m] Bedæ Hist. Lib. i. c. 27, et *passim*. Item, Kennett's Impropriat. §. 1. 2.
[n] Wilk. i. 102.
[o] Ibid. i. 184.
[p] Ibid. i. 278, et *passim*. Item, tom. ii. 177.
[q] Bedæ Hist. lib. i. c. 27 et supra.

acolyth in addition to the parish priest, in order to the due celebration of the mass, his office being similar to that of the modern parish clerk.

Chantry priests, whose office it was to celebrate mass for the soul of the wealthy founder, were maintained by private endowments arising out of lands bequeathed for that specific purpose.

§ 5. *The Monastic System.*

Utter seclusion from the world, a life of poverty and self-denial, and a mortification of the lusts of the flesh, were anciently supposed to distinguish monks from the rest of mankind; and this reputation for superior sanctity was the chief source of that amazing power and influence which the monastic orders once enjoyed: especially that of the Benedictines, of whom nearly all our cathedral chapters were anciently composed; and who were so popular in all parts of the western church, that in the council of Constance they were able to enumerate 55,460 saints, 35 Popes, 200 cardinals, 1164 archbishops, and 3512 bishops who had belonged to the order.[r]

Augustine, the apostle of the English, was a Benedictine monk, and so were all his successors in the see of Canterbury, till the time of archbishop Corboyl, who flourished A.D. 1126. Nine of our Anglo-Saxon kings, voluntarily relinquishing the regal dignity, assumed the cowl; not to mention several queens and others of the blood royal.[s]

I. The Benedictine order, which was founded originally about the year 528, was the parent of several other illustrious orders, including the Cluniacenses (A.D. 910); Grandimontenses, (A.D. 1076); Carthusians, (A.D. 1086); Cistertians, (A.D. 1098); Celestines, (A.D. 1273); and the Bernardines, (A.D. 1425).[t]

II. The Carmelites followed the rule of S. Basil, founded A.D. 1205.[u]

III. The Augustinians, founded A.D. 395, from whence proceeded the Dominicans, the Ursulines, the Beguines, and about thirty other orders.[v]

IV. And the Franciscans or Minorites, otherwise called *Cordeliers* (or *Cordigeri*), from the triple cord with which they girded the waist, (A.D. 1208). Hence arose the Capuchins, and a few other religious orders.[w]

From the circumstance of their habit being black, the Benedictines were called '*nigri monachi.*'

The Franciscans were called '*grey friars*' and the Cistercians '*white monks*' from the colour of their apparel, and the Dominicans were termed '*fratres de picâ*' (or *magpie* brethren), from the curious mixture of black and white observable in their monastic habit.

Bonanni's *Catalogus Ordinum Religiosorum*, published in four quarto

[r] Dictionnaire des ordres Religieux, Amsterdam, 1769.
[s] Johns. A.D. 1126; item Bedæ Hist. lib. iii. c. 18, lib. v. c 20, et *passim.*
[t] Dict. des ordres, &c. pp. 27, &c , 42, &c. [u] Ibid. p. 41. [v] Ibid. [w] Ibid. p. 43.

volumes, contains many admirable engravings of monastic costume, with descriptive letter-press, and a brief history of the various orders.

The principal parts of the monastic costume were:—

1. The *scapular*, which, passing over the shoulders, fell down before and behind, but was open at the sides. This was chiefly worn by the monks while they were at work, as it left the arms free.

2. The *frock* was a long gown of coarse cloth, and with rather wide sleeves; it was girded round the loins with a leathern strap, or else with a rope.

3. The *cowl* or hood (otherwise termed *caputium*) was a sort of tippet covering the shoulders, and furnished with a hood at the back, which might be drawn over the head.

4. The *mantle* was simply a cloak, generally furnished with a hood at the back.

Some abbots were allowed by special privilege to use the mitre, cambucca (or pastoral staff), and other parts of the episcopal costume, but on ordinary occasions their dress exactly resembled that of the other brethren.

According to Fosbrooke, in his *British Monachism*, the following officers were to be found in every large monastery: abbot, prior (or dean), cellarer, precentor, kitchener, seneschall, bursar (or treasurer), sacrist, lecturer, almoner, master of the novices, infirmarer, porter, refectioner, hospitaler, chamberlain, and terrer. The monk who held any of these offices was called an '*obedientiary*.'[x]

The *chartophylax* had the custody of the muniment-room, containing all the charters and title-deeds. The *antiquarius* was continually employed in copying books for the use of the library.

The *Hebdomedarius* (otherwise termed *Aquillarius*[y] *Canonicus*) was, as the name implies, the officiant of the week; each monk in holy orders being obliged to perform divine service in rotation.

The *Circa* went through the dormitory during the night time, to see that all was regular and quiet; and it was probably his duty also to rouse the monks for *nocturns and matins*. This office was filled by each of the brethren in rotation.

The *Sempecta* was a monk of fifty years standing in the order, who was allowed certain indulgences to be explained hereafter.[z]

Originally, according to the etymology of the word, the '*decanus*' presided over ten monks, and even in later times there were often several deans or priors in a monastery.[a]

Some of the monks were in holy orders, but there were also lay brethren attached to every convent. These were termed *conversi*.[b]

The three vows—of poverty, chastity, and obedience, were, I believe, common to all the monastic orders; and no monk was allowed to possess any property of his own.

[x] Fosbrooke's Brit. Monach. *passim*. Wilkins' Concilia, *passim*.
[y] From *Aquilla*, the eagle desk.
[z] Quarterly Review, June 1826, p. 292.
[a] Du Cange, Gloss. voce *decanus*.
[b] Ibid. voce *conversi*.

Wealthy benefactors were frequently received into *confraternity* with a monastery. Without any renunciation of the world, this entitled them to a participation in all the prayers and merits of the brethren during life, and to masses after death. Hence the term "*semifratres.*" Monasteries were sometimes also in confraternity with each other, the privilege in each case being formally engrossed upon vellum, and often beautifully illuminated.[c]

In the middle ages, a superstitious practice prevailed, of assuming the monastic habit in the very agonies of death as a passport to heaven.

Friars differed from monks chiefly in the profession of mendicancy, and in their not being tied down to a particular spot.[d]

There is a *general* of each order constantly resident at Rome, and having a jurisdiction over the abbots of that order in every part of the world.

The parts of a monastery were,[e]

1. The *church*, which requires no explanation.
2. The *refectory*, or public eating hall.
3. The *chapter room*, in which the abbot and monks deliberated in all matters relating to their convent.
4. The *dormitory*, or sleeping apartment, divided into cells, (like the boxes in a modern coffee room), all of them being open towards the passage. The dormitory was usually over the refectory.
5. The *cloister* or *ambulatory*, of which we have fine specimens connected with most of our cathedrals. In that belonging to Norwich cathedral there is a *lavatory*, where the monks used to wash.
6. The *infirmary*, for sick monks.
7. The *xenodochium*, or *guest hall*, in which strangers visiting the monastery were hospitably entertained.
8. The *locutory*, or *parlour*, where the monks were allowed to converse after dinner, and where business was occasionally transacted. There was also a *forensic* parlour, where monks and nuns were permitted to converse with seculars. In nunneries there was a grated aperture for this purpose, called in French "*la grille.*"
9. The *almonry*, where food and money were distributed to the poor.
10. The *library*, which explains itself.
11. The *scriptorium*, or *domus antiquariorum*, where books were copied for the library.
12. The *prison*, for delinquent monks.
13. The *miserecorde*, where, as a special indulgence, a few of the monks were entertained with meat, wine, beer, and other luxuries, not allowed in the refectory.
14. The *sanctuary*, or that portion of the convent which was set apart for the reception of criminals who fled thither for refuge.

[c] Du Cange, vocibus *Confratria*, *Semifrater*, &c. *Rotulus*, *Angelica Vestis*, &c.
[d] Fosbrooke's Brit. Monach. p. 232, c. 28.
[e] Ibid. passim. Du Cange, vocibus *refectorium*, *dormitorium*, &c. &c.

15. The *common house*, where a fire was lighted in winter for the use of the monks.

16. The *chartularium*, or *muniment-room*, where the deeds and records of the monastery were deposited.

The *cellar*, *kitchen*, &c., need not be particularised.

A *priory* was a small convent dependent upon an abbey, and, as its name imports, was governed by a prior.

These small monastic dependencies were termed *obedientiæ* or *cells*.[f]

The expulsion of the secular clergy in favour of the monks in the tenth century; the exemption of monasteries from episcopal authority, with its mischievous results; the struggle between the regulars and seculars in the thirteenth century, and the final dissolution of these establishments by king Henry VIII., have been all noticed in the fourth section of this chapter. I would, however, recommend to the reader a careful study of the '*Records*,' at the end of Bishop Burnet's *History of the Reformation*, (the first volume of the folio edition). Dugdale's *Monasticon* will give him all the information that he can possibly desire. Matthew Paris' '*Vitæ Viginti Trium Abbatum S. Albani*,' published at the end of his history,[g] the Chronicle of Jocelin de Brakelond, and other works of a similar description, written by monks while these institutions were yet in their glory, may be consulted both with pleasure and advantage; and Fosbrooke's *British Monachism* also contains a mass of valuable information. I would, however, recommend caution as far as regards the work last mentioned, having detected in it several inaccuracies about vestments, &c.

With all its faults, the monastic system had doubtless its advantages. The seclusion which it afforded was extremely favourable to study, and it could turn the most opposite talents to account. Their architects designed those splendid structures which are still the admiration of the world. Their scribes preserved to us the precious works of the ancients, which must else have utterly perished during the dark ages; their chronicles rescued history from utter oblivion; and in a word, the monastery supplied instruction to the ignorant, succour to the poor, hospitality to the weary traveller, and a refuge to the oppressed.

§ I.—ON THE PRIVILEGES, IMMUNITIES, AND DISCIPLINE OF THE CLERGY, &c.

CONCILIA MAGNÆ BRITANNIÆ, &C. EDIT. WILKINS, VOL. I.

WILKINS' CONCILIA, I. 2. *Canons of St. Patrick, &c.* A. D. 456.

Can. 7. Should any clerk, from negligence, be absent at the morning or evening service (ad *collectas* manè vel vesperè), let him be excommunicated, unless perchance he should be detained by the yoke of servitude.

[f] Du Cange, *cella* et *obedientia*.

[g] Edit. Watts, Lond. 1684, p. 994.

Can. 8. Should any clerk become surety for a pagan, and by his cunning the pagan should deceive the clerk, let the clerk pay the debt out of his own property.

Can. 10. If a man shall commence the good work (*of a monastic life*) by singing the (*canonical*) hours, and shall afterwards discontinue to do so, and suffer his hair to grow, let him be excluded from the church; unless he returns to his former condition.

Can. 30. Let not the bishop who goes from his own *parish* into another presume to ordain, unless he receive permission from him who is in his own principality: on the Lord's day let him offer only as a communicant, and be content to obey.

Can. 33. A clerk coming from Britain to us without a letter, and (especially) if he dwell among the laity, may not lawfully officiate.

Can. 34. So also a deacon who, without the knowledge of his abbot, and without letters, goes from one parish to another, *is not permitted to administer food*, and must do penance at the discretion of his presbyter whom he hath despised.

WILK. i. p. 5.—*Other canons of St. Patrick, of uncertain date.*

Can. 10. Hear the canonical institutions: Let the man who hath fallen with a degree (*of holy orders*), rise without one; content with the name alone, let him lose his ministry.

Can. 16. *Concerning false bishops.* He who has not been elected by another bishop, according to the apostle, is to be condemned, and then degraded to the rank of the laity.

IBID. p. 43.—*Abp. Theodore's canons at Herudford* (Hartford), A. D. 673.

Can. 2 and 6. That no bishop shall invade the *parish* of another; and that foreign bishops and clergy (content with the hospitality offered to them) shall not be permitted to exercise any of the sacerdotal functions, without the permission of the bishop in whose parish they sojourn.

Can. 8. With respect to precedence, every bishop is "to observe the time and order of his consecration."

IBID. p. 46. *Council of Pope Agatho concerning British affairs*, A. D. 679. "We decree also, that bishops and others in holy orders use no arms, nor keep musicians; but let rather lessons out of the holy scriptures be always read (*at meal time*) for the edification of the church; so that whilst their bodies are refreshed, the souls of the hearers may be also nourished with the word of God."

IBID. p. 56. *Council of Baccancelda* (i. e. *Babchild*, in Kent), A. D. 692. Withred, king of Kent, at the suggestion of archbishop Brithwald, ordained that all the churches of his kingdom should be for ever freed from all exactions of kings or other temporal potentates. He also confirmed all the grants made by his predecessors to the church: "In honour of our lady St. Mary, and the holy apostles; but when it shall happen that a bishop, or an abbot, or an

abbess, hath departed this life, let notice be given to the archbishop, and some worthy person be chosen by his advice and command. Let the archbishop make inquiry into the life and chastity of the person who shall be chosen to so holy an office."

WILK. i. p. 60.—*Council of Berghamstead* (*i. e.* Buxted in Kent), A. D. 696.

Can. 4. If foreigners will not leave off fornication, let them be driven out of the land, and "let the churchmen among the people suffer the loss of communion without being banished."[h]

Can. 7. If a priest shall connive at an unlawful copulation, or delay the baptism of a sick person, or be so drunk that he cannot (*officiate*), let him be suspended from his ministry at the discretion of the bishop.

Can. 8. If a clerk (*bescoren man*, i. e. shaved man) shall wander irregularly, let hospitality be granted him for one day, and let him not be entertained for any longer time, unless he have a licence.

Can. 17. Let the bishop's word and the king's word be valid without an oath.

Can. 18. Let an abbot make profession in the same way as a presbyter. Let a presbyter purge himself by his own asseveration, clothed in his sacred vestments, and saying before the altar, "*I speak the truth in Christ, I lie not.*" Let a deacon purge himself in the same way.

Can. 19. Let a clerk purge himself with four compurgators of the same degree.

Can. 23 and 24. Direct that a monk shall be purged by the oath of his abbot, and a servant by the oath of his master.

IBID. p. 62.—*Constitution respecting the satisfaction which ought to be made for the violation of holy orders, by killing or laying violent hands on clergymen, from the* TEXTUS ROFFENSIS, *about* A. D. 696.

Cap. 1. The gifts of the Holy Ghost are sevenfold, and there are (also) seven degrees of ecclesiastical orders and sacred functions. Seven times a day ought the ministers of God to praise him, and to intercede for all christians;.....and if any one shall injure them by word or deed, let him diligently make satisfaction by a sevenfold compensation, according to the nature of the injury and the rank of the person injured, if he desire the pardon of God.

Note. The *seven* ecclesiastical orders were, *ostiary*, *reader*, *exorcist*, *acolyth*, *subdeacon*, *deacon*, and *priest*. If any *ostiary* was murdered, *one pound* was to be paid over and above the *weregild* (which see in the *Index*), and so on according to the degree of the clerk, till it came to the priest, for whom *seven* pounds were to be paid over and above the *weregild*.

Cap. 10. One part of the compensation for the violation of

[h] Johnson.

orders is to be delivered to the bishop, a second to the altar, and a third to the fraternity.

WILK. i. p. 63. About A. D. 700, Withred, king of Kent, by a royal charter made all the churches in his dominions free from tribute. It is chiefly remarkable for his subscription: "I, Withred, king of Kent, have confirmed all these premises, *and on account of my ignorance of letters have with my own hand made the sign of the holy cross* ✠" Charlemagne was it seems in the same predicament.

IBID. p. 63. About A. D. 700, Pope Sergius sent a letter to Ceolfrid, abbot of Weremouth and Jarrow, requesting that Bede, who belonged to that monastery, would come to Rome to assist him in the decision of some difficult questions.

IBID. p. 82, &c. *Dialogue of Egbert, archbishop of York.* [He was brother to Eadbyrht, king of Northumbria, and one of the most learned men of his time. Alcuin called him his master, and desired Charlemagne to send scribes to York to copy the MSS. left by him. He procured a pall from Rome, and recovered the metropolitan dignity, which had not been enjoyed by the *eight* bishops who intervened between him and Paulinus, the first archbishop of York.] A. D. 734.

Ans. I. In his first answer he estimates the oath of a priest "after the rate of 120 *plow-lands*, the deacon 60, and the monk 30."

Note. Johnson believes a *plow-land* to have been equal to 30 acres, though some think 50 nearer the mark.

Ans. III. He directs, that unless there be eye-witnesses of the crime, or children born, the man himself shall be considered a competent witness of his own innocence. Also, that the accused person "shall put the cross of our Lord on his head, and testify his innocence by him that liveth for ever."

Ans. VIII. If any ecclesiastics shall have perpetrated any crime among laymen, such as murder, fornication, or theft, *it is my opinion that they should by all means be seized by the seculars against whom they have transgressed*, unless the church should please to make satisfaction for them.

Ans. IX. Foreign presbyters, or those who have been ordained *absolutely*, (*i. e.* without *a title*,) wandering about without letters commendatory, we suffer not to minister anywhere without the knowledge of the bishop of the diocese. It is, however, my pleasure that they administer those things which are absolutely necessary (i. e. *baptism*), &c.

Ans. XV. Let the ordination of a bishop, priest, or deacon, be accounted valid, who is not proved guilty of any heinous crime; if he have not married a second wife, or one who has been deserted by her husband; if he have not done public penance, and be not maimed in any part of his body; if he be not, either by birth or otherwise, of servile condition; if he be free from legal obligations, (*si curiæ probatur nexibus absolutus*); and if he be literate. For the following crimes, those who are ordained ought to be deposed: the

worshipping of idols; using witchcraft and incantations; delivering themselves to the devil; violation of faith; murder, fornication, theft, or perjury: nor is it fit that such persons should be admitted to the privilege of *lay* communion, till they have publicly done penance; for it is not permitted by the church that penitents should administer holy (*sacraments*), who have been formerly vessels of sin.

WILK. i. p. 91. *From archbishop Boniface's letter to archbishop Cuthbert*, A.D. 745, (see p. 25): "We have determined in our synod that the canonical decrees, the ecclesiastical laws (or *privileges*), and the monastic rules, shall be every year read in open synod and re-enacted. Also, that every presbyter, during the season of Lent, shall annually give an account of his ministry to his bishop, who shall every year carefully make a circuit of his *parish*." In the course of the letter he complains of the compulsory labour of the English monks, who were obliged to assist in building royal palaces, &c. He also says: "It is related that in your parishes the vice of drunkenness is but too common; so that not only some bishops prevent it not, but even themselves become inebriated, and producing larger cups, compel others to get drunk."

IBID. p. 95.—*Council of Cloves Hoo, held* A.D. 747.

Can. 3. Let every bishop make an annual visitation of his parish, and, calling the people of all conditions and sexes together, teach those publicly who rarely hear the word of God.

Can. 9. That presbyters fulfil the duty of preaching the gospel, baptizing, teaching, and visiting, *in those lay districts which have been assigned to them by the bishops of the province.*

Can. 10. That presbyters learn how to discharge all the offices belonging to their degree in a legitimate manner; and moreover that they be able to translate and explain in their own language the Creed, the Lord's prayer, and the sacred words which are used in the celebration of the mass and in the rite of baptism. *They ought to learn also what those sacraments which are visibly celebrated at the mass, baptism, &c.* SPIRITUALLY *signify.*

IBID. p. 102. All clerks ought not to enforce (*usurpare*) or *read* the canonical constitutions, but presbyters only: for as priests and bishops alone ought to offer the sacrifice, so neither ought others to enforce these decisions.—*From the Preface to Egbert's Excerptions.*

Note. Read here means to read publicly and explain.

IBID. p. 102.—*Excerptions of Egbert, archbishop of York*, A.D. 750.

Ex. 13. That no priest shall, from ambition, go from the incumbency of that holy church upon whose title he was ordained to another, but there devoutly let him continue to the end of his life.

Ex. 14. That no priest shall encourage the vice of drunkenness, or compel others by his command to get drunk.

Ex. 16. That no priest may lawfully become a surety, or, forsaking his own law, go to a secular tribunal.

Ex. 27. That the bishop shall sit in the church higher than the bench of priests; but when he is in the house, let him know that he is their colleague.

Ex. 33. Let a bishop, presbyter, or deacon, who hath been detected in fornication, perjury, theft, or murder, be deposed.

Ex. 44. If any bishop, priest, or deacon shall have purchased this dignity, let both him and his ordainer be deposed and excommunicated.[j]

Ex. 45. Let not a bishop ordain clerks without a council of presbyters.[k]

Ex. 46. Let him not hear any cause except in the presence of his clergy.

Ex. 52. That no person shall be ordained *absolutely*, or without naming the place to which he is ordained.[l]

Ex. 56. Let the bishop, to the utmost extent of his means, bestow food and raiment upon the poor, and those who are sick or too weak to labour.[m]

Ex. 93. Let neither deacons be ordained, or virgins consecrated, before they are twenty-five years of age. 94. Yet infants ought to be received with the consent of their parents.[n]

Ex. 97. That no man shall upon any account be ordained a presbyter till the thirtieth year of his age.[o]

Ex. 98. Let a bishop, if possible, be ordained by all the bishops of the province; and if this should be difficult, at all events not by fewer than *three*.[p]

Ex. 142. If a clerk shall be arraigned, and it be necessary, let the delays appointed by the fathers be granted to him, if he desire it; and let select judges be assigned him: and if he has reason to fear any violence from the rash multitude, let him choose some proper place where he can produce his witnesses without fear. The same course is not to be observed in ecclesiastical as in secular causes; for in secular causes a man cannot withdraw till he hath appeared, pleaded, given in his defence, and till the cause is decided: but in ecclesiastical, the accused may withdraw upon assigning a reason, if it be necessary, or if he consider himself oppressed.[q]

Ex. 143. It is decreed that there shall be no other judges but those whom he who is impeached hath chosen, or those whom his superiors have appointed with his consent.[r]

Ex. 144. It hath been decreed that no layman should presume to bring an accusation against a clerk; therefore let not the evidence of a layman against a clerk be received.[s]

Ex. 146. It is written in the law, "that a brother should receive the wife of his deceased brother, and raise up seed unto his brother:" when therefore spiritual brethren dwell together, and that brother

j The Apostle's Canon.
k Canon of Orleans.
l Nicene Canon.
m African Canon.
n Basil and Isidore.
o Pope Vigilius.
p A Roman Council.
q A Chalcedonian Canon.
r Canon of Neocæsarea.
s Nicene Canon.

who presides over a church of God hath passed from this world to Christ, then shall his brother rule the church of God, and raise up spiritual children unto God; lest, when one doctor dies, the church of Christ, which is the mother of us all, should become barren.

WILK. i. p. 124.—*Pœnitential of Egbert, archbishop of York*, A.D. 750.

B. i. ch. 41. We are unwilling that a subdeacon, acolyth, exorcist, ostiary, or reader, should be ejected, although they marry and have children; and let not a deacon be ejected, except upon the testimony of thirty-six witnesses, or a priest, unless there be forty-four witnesses.

B. iv. ch. 32, p. 138. If any one in orders shall go a hunting, let him abstain from flesh for twelve months, a deacon for two years, a priest for three, and a bishop for seven.

IBID. p. 146.—*Council of Cealchythe*, A. D. 785.

Can. 1. That the presbyters of the different churches, who ought to teach the people, be every year examined by their bishops concerning the faith, in their synodal convocations.

IBID. p. 152, A. D. 785. Pope Adrian, at the request of Offa, king of the Mercians, converted the see of Lichfield into an archbishoprick; and the bishops of Worcester, Leicester, Sidnacester, Hereford, Elmham, and Thetford, were placed under his jurisdiction: the archbishop of Canterbury, being despoiled, retained only four bishops under him; viz. London, Winchester, Rochester, and Sherbourne. The archbishoprick of Lichfield was abolished A. D. 803.

IBID. p. 180. In the time of Kenneth, king of Scotland, A. D. 840, "the kingdom of Scotland was not as yet divided into dioceses, but all the bishops (whose holiness of life procured for them universal respect) exercised the episcopal functions in whatever place they might chance to be, indiscriminately; and this mode of government continued in the Scottish church till the time of Malcolm III."

SPELM. i. 379. In a letter of king Alfred to Wulfugius, a bishop (of uncertain date), he thus speaks of the state of learning among the English clergy at the time of his accession to the throne. "So entirely had learning perished among the English, that there were very few (*priests*) on this side of the Humber who could either understand their common prayers in English, or translate any work from Latin into English: so few were they, that I recollect *not even one* (*priest*) south of the Thames (*who could do so*) at the time that I began to reign. Thanks be to God, there are now at length some bishops (*aliqui in sede*) who are able to teach."

WILK. i. 209.—*Laws of Howel Dha, king of Wales*, A.D. 943.

Lib. i. c. 13. On the privileges of the king's priest.

§ 5. If any one shall slander the king's priest, "Let there be a mulct of twelve cows, of which he shall have a third, and the king two thirds."

§ 8. The oblations made by the king and his household, upon the three principal festivals, belong to him.

§ 9, &c. He shall have a third of all the king's tithes, as well as the tithes and mortuaries of his household.

§ 12. He shall have the oblations made at the daily mass by the king and all his officers, and a third of the oblations of his servants; and also two parts of the oblations which the inhabitants of the place in which the court may offer.

§ 14. He shall always accompany the king, being one of his inseparable attendants.

§ 15. He is one of the three persons who, during the absence of the king, shall sustain the dignity of the court.

Lib. ii. c. 28, § 3. An ecclesiastical court has seven privileges (*of judgment*) above a lay court: viz. concerning tithes and oblations; mortuaries; honorary gifts for marriages; the legacies of the dead; the spoils of the altar; goods manifestly stolen from a clerk; and slander (uttered) against an ecclesiastic: for any of which things a layman shall make satisfaction to a clerk in an ecclesiastical court.

WILK. i. p. 212.—*Constitutions of Odo, archbishop of Canterbury,* A.D. 943.

Cap. I. No man may impose a tax upon the church of God, because the sons of the church, that is, the sons of God, are free from all earthly taxes in every kingdom.

Cap. II. We admonish the king and princes, and all that are in authority, that with great humility they obey their archbishops and all other bishops; because the keys of the kingdom of heaven have been committed to them, and they have the power of binding and loosing.

IBID. p. 218.—*Laws of the Northumbrian priests,* A.D. 950.

Can. 2. Let every (*delinquent*) priest find twelve sureties that he will duly observe the priest's law.

Can. 3 and 4. If a priest should commit a crime, and celebrate mass contrary to the prohibition of his bishop, or transgress any of his commands, let him pay twenty *ores*.

Can. 34 and 40. If a priest should neglect to shave his beard or hair, or if he should conceal his tonsure, let him make satisfaction.

IBID. p. 225.—*Canons made in king Edgar's reign,* A.D. 960.

Can. 7. That no transaction which is between priests, be brought before a secular tribunal; but let their own companions arbitrate, or, if it be necessary, let them lay the case before the bishop.

Can. 8. That no priest shall voluntarily desert the church to which he has been ordained, but let him consider her as his lawful wife.

Can. 64. That a priest be not a hunter, a hawker, or a drinker.

Note. "Yet among the *Jura Eccl. Cant.* A. S. vol. i. 88, it is said that the archbishop shall have the best nag of the bishop of Rochester, when he dies, *and his kennel of hunting dogs:* and that the king shall have the same of the archbishop of Canterbury when he dies.[t]

WILK. i. p. 251.—*Canons of Ælfric to Wulfinus, a bishop,* A.D. 970.

Can. 10.—18. There are seven orders constituted in the church: viz. 1. The *ostiary,* who marks the course of time by the tolling of the bells, opens the doors of the church to the faithful, and closes them against unbelievers. 2. The *reader,* who may publicly read and preach the Word of God. 3. The *exorcist,* who is appointed to adjure evil spirits. 4. The *acolyth,* who holds a lighted torch while the gospel is read; not so much to drive away (*temporal*) darkness, as in honour of Christ, who is our light. 5. The *subdeacon,* who ministers unto the deacon at the altar with the holy vessels. 6. The *deacon,* who ministers unto the priest, places the oblations upon the altar, and reads the gospel during divine service: he may baptize and deliver the eucharist to the people. These ought to serve Christ in white albes. The priest who acts without a deacon, has the name indeed, but not the dignity (*of his order*). 7. The *presbyter* is the mass priest, whose office it is to hallow God's house. There is not much difference between a bishop and the presbyter, except that the bishop is appointed to ordain priests, and to confirm children, which would have been committed to too many if every presbyter might do this. Both have one and the same order, although (*the episcopal degree*) is more honourable.

Note. It was anciently a question among the schoolmen—"*Utrum Episcopatus* sit *ordo* vel *gradus,*" and it was usually considered merely *a degree of the priesthood:* for as all the holy orders were supposed to have a reference to the eucharist, nothing could be conceived superior to that order by which the consecration was performed. This was also the view adopted in the council of Trent, sess. xxiii. *Presbyterianism,* however, derives no support from this opinion; as it was never thought that *the lower degree of the priesthood* possessed the power of ordination.

Can. 23. On Sundays and festivals, the priest ought to explain to the people the sense of the gospel in English, and by the Lord's Prayer and Apostles' Creed to excite men as frequently as he can to reverence Christianity.

IBID. p. 266.—*Capitula made in king Æthelred's reign,* A.D. 994. (Theodulph's Capitula.)

Cap. III. At such times as you cease from the reading of holy books and prayer, ye ought to take up some useful manual employment: for indolence is the fiend (*feond*) of the soul.

Cap. XIV. XV. XVI. That no priest shall persuade a man belonging to the district of another priest to come to his church, or pay his tithes to him. That no mass-priest shall inveigle away the clerk

[t] Johnson.

who belongs to another mass-priest, nor receive him, should he even desire it; and that no priest shall directly or indirectly endeavour to obtain the church of another priest, on pain of forfeiting his orders, or suffering a long and severe imprisonment at the discretion of the bishop.

Cap. XXVIII. We exhort every priest to be prepared to teach the people by preaching to them the scriptures; but let him that is ignorant of them at least say this: "*that they should abstain from that which is evil, and do that which is good,*" &c. No priest can excuse himself from teaching,—for every one of you has a tongue by which he may reclaim some.

WILK. i. p. 282, n. Ælfric, who flourished about A.D. 970, says in the preface to his Saxon Grammar: "The ministers of God, and ecclesiastics, should be especially admonished that they suffer not sacred literature wholly to perish, as it did in England a few years ago; so much so, that there was no English priest who either knew how to write a letter in Latin, or to translate one from Latin, till Dunstan, archbishop of Canterbury, and bishop Æthelwold, restored this knowledge in (*the different*) monasteries."

IBID. p. 310.—*Laws of king Edward the Confessor, confirmed by king William I.* A.D. 1052.

Cap. II. Let every clerk and scholar, and all their goods and possessions, wherever they may be, enjoy the protection of God and the holy church.

Cap. IV. Wherever the king's justice is hearing pleas, if the bishop's messenger, coming thither, should open a cause which relates to holy church, let that be first determined: for it is just that God should be every where honoured before others.

Cap. V. Whosoever shall hold any thing of the church, or shall have his mansion upon church land, let him not be compelled to plead any where but in the ecclesiastical court, although he may have incurred a forfeiture, unless justice should be denied in the ecclesiastical court.

IBID. p. 325. A.D. 1072. The council of Windsor was held under William the Conqueror, Hubert, reader of the church of Rome, and legate to Pope Alexander II., archbishop Lanfranc, &c., to establish the primacy of the see of Canterbury over that of York: in which it was decreed, that "the subjection of the see of Durham or Lindisfarne, as well as all the districts from the bounds of the see of Lichfield and the great river Humber *to the utmost limits of Scotland,* belong to the jurisdiction of the church of York; but that the archbishop of York ought to make a profession of obedience to the archbishop of Canterbury, and ratify the same by an oath. Lanfranc, however, from affection to the king, dispensed with the oath in the case of Thomas, archbishop of York, and received from him only a written profession of obedience." On the death of an archbishop of Canterbury, the consecration of his successor was to be

performed *at Canterbury* by the archbishop of York; and when a vacancy should occur in the see of York, the archbishop elect was to go for his consecration to Canterbury. This happened A. D. 1072; and in the council of London, A.D. 1075, it was decreed, that in councils the archbishop of York should sit on the primate's right hand, the bishop of London on his left, the bishop of Winchester next to the archbishop of York, and the other prelates according to the order of their consecration.

WILK. i. p. 327. In a letter of Lanfranc to the Pope, A.D. 1072, he thus speaks of a conference held at Winchester respecting the primacy: "From the Ecclesiastical History of Bede it was proved, to the satisfaction of all parties, that from the time of the blessed Augustine, first archbishop of Dover, *a city which is now called Canterbury*, to the extreme old age of Bede himself, who died about one hundred and forty years after, my predecessors enjoyed a primacy over the church of York, and the whole island which they call Britain, *and also over Ireland*."

IBID. p. 363, 364. In the council of London, held under Lanfranc, A.D. 1075, it was decreed, that several bishopricks should be removed out of villages to considerable towns: and accordingly in the Conqueror's reign the see of *Shirbourne* was removed to *Salisbury;* that of *Lichfield* to *Chester;* that of the Island of *Seolsey* to *Chichester;* that of *Sidnacester*[n] to *Lincoln;* that of *Wells* to *Bath;* that of *Kirton* to *Exeter;* and that of *Elmham* to *Thetford*, and from thence to *Norwich* in the following reign.

Note. It was in this council that Wulstan, bishop of Worcester, when he was commanded by Lanfranc to resign his ring and pastoral staff, as being illiterate and unworthy of the episcopal office, is said to have boldly replied that he would deliver them only to him who gave them. According to the legend, he went immediately to the shrine of Edward the Confessor (from whom he had received his appointment) struck his crozier so deeply into the marble, that it appeared to have taken root therein,—and going from thence, humbly took his place as a simple monk among the monks. Being filled with astonishment and awe at the greatness of the miracle, the king and the archbishop implored the holy man to resume his crozier and his dignity; and the staff which had resisted so many efforts, yielded at once to his hand, as if it had been merely imbedded in clay. See the *Additamenta* to *Matthew Paris*, p. 17, edit. Watts, Lond. 1640. I have noticed this legend as being strikingly characteristic of the age, and a somewhat *picturesque* specimen of this class.

IBID. p. 394.—*From the charter of king Henry I.* A.D. 1117.

"I therefore, on account of my reverence to God and love for you, in the first place make the church of God free; so that I will not sell nor let out to farm (*any ecclesiastical benefices*), nor on the death of an archbishop, bishop, or abbot, will I receive any thing from the domain (*dominio*) of the church, or from its tenants, until his successor enters upon it."

[n] Johnson says that *Dorchester* was translated to *Lincoln*. See also Wilk. i. 369. *Stow* in Lincolnshire was probably the ancient *Sidnacester*.

Ibid. p. 393, &c. A.D. 1116. We read of a dispute which arose "between Ralph (Radulpho) archbishop of Canterbury, and (*Thurstan*) elect of York, which continued a whole year, and he (i.e. *Thurstan*) renounced his archbishopric rather than profess obedience to the see of Canterbury."[v]

Note. The right of exacting the oath of canonical obedience from the archbishop of York, was warmly contested by Thomas Thurstan's predecessor, (*Wilk.* i. 390, &c.) who at last, however, yielded. Ralph, archbishop of Canterbury, on another occasion, sent a long letter to Pope Calixtus II.: it is a kind of historical vindication of the rights of his see, and may be seen, ibid. p. 396-404. (Dated A.D. 1121.)

Wilk. i. p. 407, &c. Council of London, A.D. 1126. This was a legatine council, at which John de Crema presided. [Before the acts of the council, we are presented with several letters from Pope Honorius, and also a bull which he granted to Thurstan, archbishop of York, from which the following is an extract.—"Desiring to preserve undiminished the ancient dignity of the church of York, we forbid by our apostolical authority the archbishop of Canterbury to demand from henceforward any profession (*of canonical obedience*) from the archbishop of York: nor shall the see of York be in any respect subject to that of Canterbury, which was wholly prohibited by St. Gregory; but, according to the constitution of the same father, this distinction of honour shall be always observed between them, that he shall take the precedence who was first ordained. Moreover, if the archbishop of Canterbury shall refuse to consecrate the elect of York gratuitously, or without exacting (*the acknowledgment of*) obedience, he may receive consecration either from his suffragans or from the Roman pontiff."]

Can. 4 and 5. That no abbot, prior, monk, or clerk, shall receive a church, or tithes, or any ecclesiastical benefice, upon the presentation of a layman, without his bishop's consent, upon pain of forfeiture: and that no man shall receive a church or a prebend by paternal inheritance, or appoint his own successor.

Can. 6. We moreover ordain that all clerks who hold church benefices, and refuse to be ordained, in order that they may live more freely, be deprived of their preferment.

Note. At this time persons in minor orders, viz. subdeacons, acolyths, readers, &c. were capable of holding preferment.

Ibid. p. 412. There is a charter granted by king Stephen, A.D. 1136, being a full confirmation of all the rights and liberties formerly granted to the church.

Ibid. p. 415.—*Legatine council at Westminster under Alberic, bishop of Ostia*, A.D. 1138.

Can. 5. When any (*clerk*) is invested by a bishop, he shall swear upon the gospel that he hath neither given nor promised to give any thing for (*the benefice*), either by himself or by any other person:

[v] W. Covent.

else the donation shall be void, and both the giver and receiver canonically punished.

WILK. i. p. 425. In the council of Mellifont in Ireland, A.D. 1152, four archbishoprics were constituted in Ireland, viz. Armagh, Dublin, Cashel, and Tuam.

The constitutions made at Clarendon, A.D. 1164, many of which relate to the clergy, will be found in Chapter II. p. 41.

IBID. p. 473.—*Council of Cashel, under Henry II.* A.D. 1172.

Can. 3, 4, 5. That all Christians pay tithes: that none of the Irish kings, nobles, &c. exact provisions or entertainment in the territories of the church, and that the detestable exaction of provisions, which the neighbouring earls have hitherto made from the church manors, be hereafter discontinued: also that when a murder is compounded with the relations of the deceased, such of the clergy as are akin to the murderer, shall not be obliged to pay any part of the composition.

HOWEL, CAN. ET DECR. &c. p. 96.—*Council of Avranches, in Normandy*, A.D. 1172.

Can. 1. Let not boys be admitted to the superintendence of churches.

Can. 10. A husband may not enter a monastery while his wife remains in the world, (i. e. *leads a secular life*).

Can. 12. Let not *Jewish clerks* be appointed to judge secular matters.

WILK. i. 474.—*Council of Westminster*, A.D. 1173.

Can. 7. Let not a church be presented to any one who has not the clerical mark of distinction, (*i. e.* the *tonsure*).

Can. 27. Let not perpetual vicars, *who have taken an oath of fidelity to the parsons of their churches*, rise up in opposition to their parson, (*contra personam se erigant*).

Note. Can. 23 of this council is also worthy of note: "Let not the Welsh sell churches, or give them in dowry, or adhere to their relations, or *change wives*."[w]

IBID. p. 482. "In the year 1175, Hugezun, cardinal and legate of the apostolic see, granted to our lord the king (*Henry II.*) permission to implead clerks in his dominions concerning forests and poaching," (*captione venationis*).[x]

IBID. p. 495. By a decretal epistle, A.D. 1191, Pope Celestine III. made the church of Scotland independent of the see of York, and *immediately* subject to the apostolic see.

IBID. p. 499. *Constitutions of the cathedral church of Lichfield*, A.D. 1194. It is provided that, "Every chaplain, known or unknown, who shall celebrate mass at any altar, with the exception of

[w] See extract from Giraldus Cambrensis in Usher's Discourse, &c. ch. v. p. 54.
[x] Hoveden.

the high altar, shall have all the oblations of silver which are offered to him freely for his own use, unless he be required to celebrate for any of the five presbyters," (i. e. *prebendaries*).

WILK. i. p. 502.—*Legatine council at York, under Hubert, archbishop of Canterbury*, A. D. 1195.

Cap. 9. Let clerks who despise the crown (i. e. *the tonsure*), if beneficed, be deprived; if not, *let them be shaved against their will* by the archdeacon or dean.

IBID. p. 505.—*Council at London* (*Westminster*) *under archbishop Hubert*, A. D. 1200.

Can. 5. That in visiting parishes, an archbishop's train exceed not the number of forty or fifty horsemen; a bishop's twenty or thirty; an archdeacon's five or seven: also that they make not their progress with hunting dogs or birds, (i. e. *hawks*). We forbid bishops to levy taxes in their dioceses: they may, however, where there is a reasonable cause, require moderate aids from their subjects. The object of visitation is to see to what concerns the cure of souls, and also that every church hath a silver chalice, sacerdotal vestments, proper books, and other utensils. Moreover, we forbid any visitor to demand a *procuration* from those churches which he doth not visit.

Can. 6. If a bishop shall ordain any man to be a deacon or a priest without a *title*, let him maintain him till he can provide for him in some church. Also if an archdeacon shall (without the special command of the bishop) present any man to be ordained a subdeacon, let him be liable to the same penalty if he have no *title*.

Can. 8. That nothing be demanded for installing or instituting priests or other clerks; or for *licensing them to celebrate divine offices;* or for *licensing schoolmasters:* if it hath been paid, let it be restored.

Can. 10. That clerks keep not concubines, neither let them go to drinking bouts, for thus quarrels arise; and laymen beating clerks, who are sometimes in fault, fall under the canon.

Note. Decr. v. *Tit.* 39. There are about sixty heads relating to excommunication, and *above half of these* relate to the case of striking clerks.[y]

IBID. p. 513. A. D. 1205. Pope Innocent III. gave sentence in favour of the chapter of Canterbury, that they might elect an archbishop without the concurrence of the suffragan bishops.

IBID. p. 547. *In the council of New Town* (*Novæ Villæ*) *in Ireland*, A. D. 1216, at which cardinal Paparo, the Pope's legate, presided, it was decreed, that "when *chorepiscopi* and the bishops of small sees in Ireland should die, *archpresbyters* should be elected and appointed in their stead by the diocesan." From *Can.* 4 and 8,

[y] Johnson.

it appears that the office of an archpresbyter was the same as that of a rural dean. He was to visit the churches within his deanery, and to see that they were in proper repair, and also to hold *rural chapters*.

WILK. i. p. 548.—*Council of Dublin*, A. D. 1217.

That rectors, or their priests, attend at every chapter, and give an account of the vices of their parishioners, excommunications, &c.

That in every deanery two presbyters be chosen to hear the confessions of priests.

That presbyters carefully visit the sick on all Sundays and festivals; that they refuse not to visit the sick at whatever hour they may be required; and that they do not, as some have hitherto presumed to do, send deacons with the eucharist to the sick, while they themselves are occupied in drinking bouts, or in carnal pleasures. When they go to visit the sick with the eucharist in towns, let them, from reverence to the body of Christ, be vested in a surplice, and preceded by a crucifix, a light, and a bell.

That rectors be ordained subdeacons, and vicars priests, within the period allowed by the canons; otherwise let their livings be sequestered.

We altogether reprobate the abuse, that monks should require from clerks presented to benefices, an oath of fidelity before institution.

Note. i. e. the abbot, as *rector*, exacted an oath of fidelity *from his vicar.*

IBID. p. 571.—*Constitutions of William de Bleys, bishop of Worcester*, A. D. 1219.

If any thing should be extorted from ecclesiastical persons, their families or rustics, for building walls around cities or boroughs, and the offenders make not restitution within eight days, let them be excommunicated; and if this fail of its effect, within eight more days let the city or borough be placed under an *interdict*, without waiting for the presence of the bishop or his official.

If a clerk having a proper tonsure and a knowledge of letters shall be arrested, whether he be known or unknown, let his captors be admonished by the dean of the place, to set him at liberty, upon pain of excommunication; unless he be suspected of some flagrant crime, in which case he is to be subject to the jurisdiction of the lord bishop.

IBID. p. 573.—*Council of Durham, under Richard, bishop of Durham*, A. D. 1220.

"Bigamists, *the husbands of loose women*," &c. are declared incapable of holy orders, unless by apostolic dispensation.

We strictly enjoin archdeacons, that in their chapters they *explain to the (assembled) priests, in plain words, the exposition of the*

catholic faith as it was decreed in the general council, and that all priests explain it frequently to their flocks in English.

If the rector of a church should die, and his church should be left without proper sacerdotal vestments or books, or if he should leave the houses belonging to the church in a ruinous condition, let such a portion be deducted from his *ecclesiastical* property as shall be necessary to repair them.

That laymen make not their wills, except in the presence of a priest.

WILK. i. p. 584. A bull of Pope Honorius III., from which we learn that many foreigners at this period held benefices in England, A. D. 1221.

IBID. p. 585.—*Council of Oxford, under archbishop Langton,* A. D. 1222.

Cap. I. We command also that all prelates have almoners who are clerks, and that, according to the apostolic injunction, they exercise hospitality. Also that they appear in public at proper hours to hear complaints, to do justice, and to give penance (*in reserved cases*); that they reside in their cathedrals on some of the principal festivals, and at least some part of Lent; ["also that they cause the PROFESSION which they made at their consecration to be read to them twice a year, that the oftener they hear it, the better they may remember it."][z]

Note. Lindwood affirms, that by the common law of the church the bishop is obliged to be resident in his cathedral every Lord's day.[a]

Cap. XVII. That in large parishes there be two or three priests, lest the parishioners should be deprived of the sacraments of the church through the illness of their priest.

Cap. XVIII. On presentation to a benefice, the clerk shall take an oath, that he hath neither given nor promised any thing to the patron on that account, or made any agreement with him.

Cap. XXIV. Let archdeacons, at their visitations, take care that priests know how to pronounce rightly at least the words of the *canon*, and that they understand it properly. Let them also teach the laity in what form they ought to baptize, in case of necessity.

Note. From the remainder of the *cap.* it appears, that archdeacons were to visit the churches in their districts *once a year*.

Cap. XXVIII. That presbyters appear in a decent clerical habit, with close copes (*cappis clausis*).

Note. Lindwood asserts, that no colours were forbidden the clergy but red and green.[b]

IBID. p. 600.—*Constitutions of Richard de Poor, bishop of Sarum,* A. D. 1223.

"Since, on account of their many occupations, or corporal infirmities, bishops are not sufficient of themselves to minister unto

[z] Johnson. [a] In loc. [b] Johnson.

the people the Word of God, it has been decreed by the Lateran council, that they may appoint proper ministers to the office of preaching. We command therefore that when, delegated by us, they come to your parishes, and edify the people by their preaching and example, ye supply them with all things necessary for their support."

Note. The whole diocese was anciently considered the bishop's parish, and all the priests only as his delegates in the cure of souls.

Whosoever hath a parish church, and will not reside in it, shall appoint in it a perpetual vicar, who is to be canonically instituted, and to receive a just proportion of the church revenues.

WILK. i. p. 610.—*Provincial council in Scotland*, A. D. 1225.

Cap. XXII. That neither clerks nor monks engage in secular pursuits.

Cap. XXVIII. That clerks of every degree shall be protected by the church, until, from the enormity of their crimes, justice requires that they be degraded from their orders; and that their evil deeds may not go unpunished, let such clerks upon conviction be closely confined in the prison of the diocesan, which every bishop ought to have, there to be kept upon the bread of sorrow and the water of tribulation.

Cap. LXXIX. That the rectors of churches come as soon as possible to be ordained *to the minor orders* (*primos ordines*), and that they who, by dispensation, hold several parochial churches, shall serve one of them in person, and appoint perpetual vicars to the others.

Note. We here see the antiquity of lay impropriations.

IBID. p. 625.—*Constitutions of William de Bleys*, A. D. 1229.

Cap. XI. That every annual chaplain shall have a competent maintenance, to the value of three marks at the least.

Note. The words which immediately follow, "*nisi fuerit ad mensam*," I do not understand. Perhaps they might be paraphrased thus, *unless he be boarded at the common table.*"

Cap. XIII. That annual chaplains be removed within seven years, unless where there is just and reasonable cause to the contrary.

IBID. p. 627.—*Inquiries made throughout the various archdeaconries in the diocese of Lincoln*, A. D. 1230.

In. 1. Whether any rectors, or vicars of churches, or parish priests, be grossly illiterate?

In. 37. Whether any vicars make themselves rectors, or *vice versâ?*

In. 38. Whether any bastards hold preferment, or have been ordained without dispensation?

In. 43. Whether adultery and other public crimes of the laity are properly punished by the archdeacon?

Ibid. p. 629. In the letter of king Henry III. A. D. 1231, the see of Llandaff is twice mentioned before that of St. David's; and it is worthy of remark, that the summons of the archbishop of Canterbury (in A. D. 1126) to the Welsh bishops to attend a legatine council, was also directed to the bishop of Llandaff.[c]

Wilk. i. p. 635.—*Constitutions of Edmund, archbishop of Canterbury,* A. D. 1236.

Cap. I. Let all ministers of the church, and especially priests, diligently consider in what state they were when they received holy orders; for we suspend all those from their office who contracted any irregularity, either *before* or after their ordination: whether by homicide, acting as advocates in causes of blood; committing simony; receiving ordination knowingly from heretics, schismatics, or publicly excommunicated persons; bigamists; the husbands of loose women; violaters of virgins, and excommunicated persons; also those who have received orders by stealth; sorcerers; the burners of churches, and such like.

Cap. II. We strictly charge all those who took orders, being under the guilt of mortal sin, or for the lucre of gain, not to exercise their office till they have confessed to a priest.

Cap. III. It is decreed that such clerks as presume to execute their office, after having been suspended for their incontinency, shall be not only deprived of their benefices, but for ever deposed, in consequence of their double crime.

Ibid. p. 651.—*Legatine constitutions of cardinal Otho,* A. D. 1237.

Cap. V. That in every deanery, prudent and faithful men be appointed confessors by the bishop, to whom parsons, as well as the inferior clergy, may confess; who would be ashamed, and perhaps afraid, to confess to the deans.

Cap. VI. Since it is very perilous to ordain unworthy persons, such as idiots, bastards, evil livers, or foreigners, we decree that a diligent enquiry be made by the bishop concerning all these particulars before ordination: and lest those who have been rejected should by stealth creep in among those who have been approved (*and so obtain orders*), let the names and number of those who have been approved be written down at the time of examination.

Note. Such was the carelessness which at this time prevailed in conferring ordination, that persons were not unfrequently ordained *by stealth.* (See preceding extracts, c. 1.)

Cap. VII. That ecclesiastical dignities, such as archdeaconries or deaneries, be not let out to farm.

Cap. X. That from henceforth no man be admitted to a vicarage, unless he hath been already ordained a priest, or at least a deacon, so that he can be ordained (*a priest*) the ember-week next ensuing: and unless, renouncing all other benefices which he may have with

[c] Wilk. i. 408.

cure of souls, he shall swear always to reside there in person; and thus let an end be put to that deceit by which, a small stipend being assigned to one as parson, the church has been given to another under the pretended name of a vicar, who, fearing to lose other benefices, were afraid to receive it as a parson.

Note. For in the third council of Lateran, A.D. 1179, c. xiii., and in the fourth of Lateran held in the year 1215, c. xxix. a plurality of rectories is forbidden, but not of benefices.

Cap. XI. It has been related to us by many, that certain priests, coveting the benefice of (*a rector*) during his absence, have feigned reports of his death or resignation, and somehow or other contrived to thrust themselves into the benefice; and if perchance the dead man should return to life again, and come to his church, they say to him, "*I know you not*," and the door is closed against him. But there are even some so blinded by avarice, that they presume to invade the benefices of resident (*rectors*); and when they once get in, neither sentences (*of excommunication*) nor anything else can dispossess them, since they defend themselves by force of arms.

Note. In one of the constitutions of Richard de Poor, A.D. 1223, it is provided, that *if a patron should murder the incumbent of* the church of which he was patron, he and his heirs to the fourth generation shall lose the right of presentation.[d]

Cap. XII. Sometimes one church is not given to a single person, but to many, under the pretence that there are several patrons, so that there are many heads upon the same body, like a monster..... Sometimes also a church is conferred upon a clerk, with this condition, either expressed or implied—that the institutor or presenter shall receive some portion out of it.

WILK. i. p. 661.—*Constitutions of uncertain origin, about* A.D. 1237.

We prohibit, upon pain of interdict and excommunication, the lay patrons of churches to exact entertainment from beneficed clerks.

We also prohibit any preacher from being admitted (*into a parish*) to collect the alms of the faithful, without our letters.

We prohibit also the proclamation of *scotales* from being made in the church or by a priest.

Note. *Scotales* were public drinking bouts, at which collections were made for the benefit of some person.

IBID. p. 675.—*Constitutions of Walter, bishop of Worcester,* A.D. 1240.

We command also, that all priests of foreign ordination, who are admitted to officiate in our diocese, shall, before the commencement of September every year, be presented to the archdeacon or our official for his approval.

When hired priests have been accused and convicted of incontinency, let them for the first offence be fined and removed from the place where they have transgressed, at least before the end of the

[d] Wilk. i. 600.

year, that thus scandal may be avoided; and for the third offence let them be utterly expelled.

WILK. i. p. 696.—*Letter of the Dean and Chapter of Chichester*, A.D. 1249.

"Since, by the appointment of our bishops, with the assent of the dean and chapter, confirmed by the bulls of Pope Eugenius III. and Pope Alexander III., one half of the revenues of a vacant stall for one year has by ancient custom been assigned to the (*surviving*) canons, and the other to the fabric of the cathedral, it is evident that the letters of the Pope, granting the revenues of all vacant benefices for one year to my lord of Canterbury, cannot extend to the prebends of deceased canons in our cathedrals."

IBID. p. 699. In a bull of Pope Innocent IV. A.D. 1250, he says in the preamble: "Whereas we formerly thought fit to grant to our venerable brother the archbishop of Canterbury, one year's revenues of all the vacant benefices in his province *for a certain space of time, to enable him to discharge the debts of the church of Canterbury*," &c.

IBID. p. 704.—*Constitutions of Walter, bishop of Durham*, A.D. 1255.

Let every shepherd of souls and every parish priest know the decalogue: let him also know the seven mortal sins; the seven sacraments, and their effects; the requisites of a true confession; the form of baptism: and let him have at least a simple understanding of the faith, as it is contained in the three creeds.

If any church, which had formerly two chaplains, two deacons or subdeacons, shall become consolidated, let the rector still employ the same number as before.

That no rector or vicar assign to priests, as a part of their stipend, the mass-pennies, triennials, or annuals.

That in all churches where the revenues are sufficiently large, there be deacons and subdeacons to minister unto the Lord; and that in other churches there be a respectable clerk, who shall serve the priest in a decent habit, and with a proper tonsure; and let him not be married.

Let rectors, &c. prevent laymen from sitting or standing in the chancel during the celebration of mass, unless they be patrons (*of the church*), or unless some venerable person should be admitted from respect (*to his age*).

IBID. p. 723. Matthew Paris says, that in the year 1257, "Boniface, archbishop of Canterbury, called an assembly of the bishops and archdeacons of his province to consult respecting the state of the church of England now falling to ruin; since it had of late years suffered more grievous and intolerable oppressions than usual. King Henry III. forbad the bishops to attend this convocation, on pain of forfeiting their temporal baronies; but they, despising the prohibition, attended the council, where they consulted respecting their various grievances.

That clerks degraded for their crimes be not deprived of their property, either real or personal, lest they should be twice punished for the same offence.

Since, for the last three years, the church of England has been oppressed with grievous exactions, we decree, that if for the future any person, clerk, or laic, shall presume, with the aid of the secular power, to take away or diminish any of the property which belongs to the church, the princes of the church, *i.e.* the successors of the apostles, shall publicly throughout their dioceses excommunicate such sacrilegious invaders, and put the places wherein they dwell and their lands under an ecclesiastical interdict.

A clerk summoned before a temporal tribunal shall not attend, unless with the consent of his bishop. If he be arrested, let him be claimed by his bishop; and if they will not deliver him up, let his judges or detainers, after a proper warning, be excommunicated.

If a prelate shall be attached in the king's court for having held pleas contrary to the royal prohibition, and arrested, let him place under an interdict any land which the king (*princeps*) and his judge may happen to have in his diocese; and if he should not then be released, let the archbishop and bishops promptly have recourse to the spiritual sword, and coerce the offenders by excommunicating and interdicting both their persons and their lands.

Wilk. i. p. 726. About the same time (A. D. 1257), says Matthew Paris's continuer, "the English prelates, being wretchedly dispirited and frightened, (not imitating the firmness of the Cistertians, who when the king demanded from them an immense sum of money resisted him to his face,) granted to the king *forty-two thousand marks*, to the enormous and irreparable injury of the church and kingdom. Soon after which, on account of the oppressions inflicted upon the church of England from day to day by the supreme pontiff and king Henry, they drew up fifty articles of aggrievance.

Gravamen i. That when cathedral or conventual churches fall vacant, the convents are oppressed (*talliantur*), the lands left uncultivated, the groves are devastated, the buildings fall to ruin, and the tenants are impoverished and ill used; so that the prelates who succeed are reduced to the condition of mendicants for a long time. To such an extent has this wickedness been carried, that the escheators not only seize upon the revenues appointed for the use of the abbots and priors, but upon those by which the convent is supported; all which is contrary to the charter of our lord the king, and also to the liberties of the church.

Gravamen iii. Whereas elections in cathedral or conventual churches ought to be free, the king sends so many requests, that the electors, being terrified, often obey man rather than God.

Gravamen vii. The king forces prelates to appear before his tribunal, there to give answer why they have excommunicated any of their subjects, or why they have refused to institute a clerk.

Gravamen x. That when any person has been excommunicated

for contumacy, &c. after forty days, and arrested by the king's brief, he is frequently liberated by royal brief, without the consent of his bishop, and without having made satisfaction.

GRAVAMEN XII. XIII. That our lord the king, his justices and bailiffs, hold intercourse both in spirituals and temporals with those who have been excommunicated; and that our lord the king forbids by letter (*mandatory*) that excommunicated persons should be avoided.

GRAVAMEN XV. That clerks arrested in a clerical habit are often hung before they can be claimed by the ordinary, and sometimes their heads are shaved, so that they may not appear to be clerks, and they are judged as laymen. Sometimes also when they have been claimed, their captors defer giving them up, and in the mean time hang them during the night.

GRAVAMEN XXII. Also when a fugitive takes refuge in a church, his pursuers surround the church-yard, so that the fugitive can scarcely be supplied with food by the church. Nay, he is sometimes violently dragged from thence, even after, according to the custom of the country, he hath abjured the realm and engaged to banish himself within forty days, and atrociously hanged.

GRAVAMEN XXVI. Also when an ecclesiastical judge is trying a question concerning tithes, &c. a royal prohibition is (*often*) presented to the judge to prevent him from proceeding.

WILK. i. p. 730. A bull of Pope Alexander IV. confirming the privileges and rights of the English church, as set forth in MAGNA CHARTA and CHARTA DE FORESTA, A.D. 1257.

IBID. p. 733.—*Constitutions of Walter and Simon, bishops of Norwich*, A.D. 1257.

We command that no persons hold several cures of souls, without the dispensation of the apostolic see.

Note. From this it would appear, that in the 13th century the Pope alone possessed the power of dispensing in cases of plurality.

We have heard that some, from a love of filthy lucre, enjoin various fines: as for example, that a woman who has conversed with her husband before she has been churched (*purificationem*), shall carry an oblation to the altar with some woman who is to be churched in the same parish: also that a murderer shall offer for every person who dies in the same parish.

That the chaplains of churches explain to their parishioners the indulgences contained in our letters; that they collect the alms, and afterwards deliver them to the (*rural*) deans.

IBID. p. 736. *Council of Merton*, A.D. 1258. The inferior clergy appeared by procurators. In this synod it was provided, that if the king should persist in violating the liberties of the church, the aggrieved bishop should interdict all the royal castles, &c. in his diocese; "and if the king should persevere in his harshness, his fellow bishops, considering the injury inflicted upon him as an injury to themselves and to the church, shall interdict all the royal boroughs,

castles, and villas, in their respective dioceses; and if within twenty days he should not be thus induced to revoke the attachment, let all the bishops place their whole dioceses under an interdict."

Sometimes princes or other Christians grant certain privileges or possessions to the church by charters, in which are contained the following clause; "Omnia quæ ad me vel ad hæredes meos de tali feodo vel possessione pertinent, tali eidem ecclesiæ, &c. sine aliquo retinemento, do, concedo, et præsenti chartâ confirmo." Now temporal lawyers say that such a charter is null and void, because the property granted is not expressly named in the same.[e]

WILK. i. p. 747.—*Constitutions of archbishop Boniface at Lambeth.* A.D. 1261.

Let not prelates, when they are summoned before a temporal tribunal to make answer concerning things which relate to their spiritual jurisdiction, attend on any account, for laymen have no authority to judge the Lord's anointed (*Christos Domini*). That some deference however may be paid to the royal authority, let the greater prelates go to the king, or write to him, to the effect that they cannot obey commands of this nature without endangering their order.....And let the bishop who is immediately concerned, repeatedly admonish the king to have regard to his soul's health, and to desist from such commands.

ITEM. If, when a man has proved his right of patronage against another in the king's court, the king should write to the diocesan to admit his presentee, if the benefice should be then vacant, let him admit the patron's presentee without difficulty; but if not, let him write to the king to intimate that he cannot fulfil his commands, as the benefice is not vacant. The patron may however, if he will, present anew the present incumbent, that so the right of the recovering patron may be evident for the future.

That bishops in their synods, archdeacons and deans in their chapters, and rectors, vicars, and chaplains in their churches, thrice a year proclaim to all those whose wish to enjoy the clerical privilege, that they have a decent tonsure and a shaven crown, especially before their ordinaries; nor let them be ashamed to bear the marks of *Him* who deigned to wear a crown of thorns for their sakes.

That every bishop have in his diocese one or two prisons, that provision may be made for the secure custody of clerks convicted of crimes. And if a clerk be so wicked and incorrigible, that if a layman he would, according to the temporal laws, have suffered capital punishment, let him be condemned to perpetual imprisonment.

IBID. p. 756. Adjustment of the difference between the archbishop of Canterbury and the dean and chapter of Lincoln, concerning the power of the primate to appoint an official who was to superintend the diocese during the vacancy of the see, A.D. 1261.

IBID. p. 759. A bull of Pope Urban IV. to Boniface, archbishop

[e] Ex. Annal. Burton.

of Canterbury, A.D. 1262, to the effect that "the fourth part of the oblations offered at the shrine of St. Thomas (*à Becket*) the martyr, should be assigned to the monks; another fourth to the building of the church; another to the poor; and the remainder to be disposed of at the discretion of the archbishop."

WILK. i. p. 759. A bull of Pope Urban, annulling the constitution made by archbishop Boniface without the king's permission, A.D. 1263.

IBID. p. 760. Another bull of the same Pope in the same year, condemning Boniface's constitutions, and pronouncing any sentence of interdict or excommunication made in consequence thereof to be null and void.

CONCILIA MAGNÆ BRITANNIÆ, &c. EDIT. WILKINS, VOL. II.

WILK. ii. 3.—*Legatine Constitutions of cardinal Othobon*, A.D. 1268.

Cap. III. If any bishop shall neglect to consecrate a church, let him know that he is suspended from the use of his dalmatic, tunic, and sandals.

Cap. IV. Since the use of arms is altogether forbidden to the clergy, we, being inflamed with a zeal for the honour of the church, utterly abominate the enormous excesses of those who, forgetting God and their own reputation, presume to bear arms, and, associating themselves with thieves and plunderers and other malefactors, participate in their robberies and thefts, not only where the goods of private persons are concerned, but even such as belong to churches, or which have been deposited in churches or cemeteries (*for safety*).

Cap. XXII. We strictly forbid all bishops to confer, by the right of appropriation, a church subject to them *upon another bishop* or a monastery; unless he upon whom it is conferred should be so miserably poor that such an appropriation may be deemed consistent with piety. Moreover we decree that all the religious, whether exempt or otherwise, whether they belong to the Cistertian or to any other order, who have churches for their own use, that if vicars have not been appointed to them already, they within six months present vicars to the diocesans to be instituted by them, to whom they must assign a sufficient portion, according to the value of the churches, or otherwise the diocesans shall take care to do so.

Note. The beginning of the chapter shows that even at this time bishops sometimes held livings *in commendam*.

IBID. p. 19. Council of the bishops and clergy of the province of Canterbury, in which they drew up a list of *Gravamina*, A.D. 1269.

The church of England hath been aggrieved in past times by subsidies granted by the clergy to the king before the time of the war: viz. *a fortieth*, or *a thirtieth*, or *a twentieth*, or *a fifteenth*, or *a tenth* of their revenues. *Secondly*, by depredations made during the war; *thirdly*, by our lord the legate when he was lately in England; and *fourthly*, by the intolerable grant of *a tenth* for three years, made to our lord the king.

The archbishops, bishops, &c., are aggrieved by having their manors and other property taxed by laymen, contrary to the canon law. For it is clear, either that their manors are unjustly taxed, or that undue *tenths* are exacted from them: for our lord the Pope granted only a tenth of the ecclesiastical revenues, and not of their temporal baronies: yet they are compelled to pay the king a tenth of various descriptions of property, for which neither the king nor his nobles usually pay tithes to God.

The rectors and vicars of churches are intolerably aggrieved: for their churches, which were taxed to the amount of *ten* marks, (*by way of tenths*), are now taxed to the amount of *twenty-six* marks... .....and if, from poverty, they had not the money ready on the first day of payment, the said tax-gatherers extorted not only fourpence for every mark granted to the king by way of tenths, but also for every mark belonging to those rectors according to the last taxation.

By the aforesaid extortions and grievances, there are some who have scarcely, and others who have not, wherewithal to supply themselves with the necessaries of life; and therefore we cannot consent to the subsidy which is demanded from us.

The document concludes with an appeal to the Pope and to the archbishop of Canterbury.

Wilk. ii. p. 24. A bull of Pope Gregory X. authorising the king to compel the bishops and clergy to pay *tenths*, A.D. 1272.

Ibid. p. 33.—*Constitutions of John Peckham, archbishop of Canterbury*, A.D. 1279, (*at Reading*).

"We decree, that all benefices with cure of souls which clerks obtain without dispensation from the Pope to hold such pluralities, become vacant *ipso jure* by the reception of the last benefice which they took."

Ibid. p. 43. A letter from William Wickwane, archbishop of York, to the Pope, complaining that as he was travelling in the province of Canterbury, A.D. 1280, having his cross borne before him according to ancient usage, "Adam de Hales, an officer of my lord of Canterbury, rushed like a madman upon my attendants, and scandalously broke my cross in pieces: but, thanks be to God, I soon caused another to be raised and carried (*before me*). Moreover (most holy father), when I am journeying through the province of Canterbury on business relating to my own see, my lord of Canterbury forbids food or lodging to be supplied to myself or my attendants on pain of excommunication, exactly as if we were heretics, and places the whole district where I make any sojourn under an ecclesiastical interdict."

Ibid. p. 54.—*Constitutions of archbishop Peckham, at Lambeth*, A.D. 1281.

"We decree, that every priest who presides over the people shall four times a year publicly expound to the people in the vulgar tongue; without any fantastical subtlety, the 14 Articles of the

faith;[a] the 10 commandments of the decalogue;[b] the 2 precepts of the gospel;[c] the 7 works of mercy;[d] the 7 mortal sins:[e] the 7 principal virtues;[f] and the 7 sacraments of grace.[g]"

Note. [a]As they are contained in the three creeds. [b]The second commandment is omitted altogether, and the 10th divided into two. [c]viz. The love of God and of our neighbour. [d]viz. To feed the hungry; to give drink to the thirsty; to receive the stranger; to clothe the naked; to visit the sick; to comfort the prisoner; and to bury the dead. [e]viz. Pride, envy, anger, hatred, lukewarmness, avarice, and luxury. [f]viz. Faith, hope, charity, prudence, temperance, justice, and fortitude. [g]viz. Baptism, confirmation, penance, the eucharist, extreme unction, matrimony, and orders.

That those rectors who do not corporally reside upon their livings, and have not vicars, shall by their stewards exercise hospitality, so far at least as to relieve the extreme necessities of their poor parishioners; and that they who travel there and preach the word of God may receive necessary food.

WILK. ii. p. 66. A.D. 1281. Agreement between the archbishop of Canterbury and the dean and chapter of Sarum, respecting the appointment of a suffragan bishop to discharge the duties of the diocese during the insanity or superannuation of any bishop of Sarum. The dean and chapter were to elect two or three proper persons from their own body, and the primate was to appoint one of them to act as coadjutor bishop. And if they should neglect to do so within two months, the primate might appoint any member of the cathedral of Sarum to act as coadjutor.

IBID. p. 75.—*Complaints of the bishops against archbishop Peckham,* A. D. 1282.

I. *Imprimis.* The said lord archbishop, when he hath visited the diocese of any of his suffragans, hath instituted or deprived the prelates of that diocese, and heard causes belonging to its jurisdiction relating to crimes which were not notorious.

II. *Item.* That causes which have been begun but not completed (*in the dioceses of his suffragans*) during his visitation, he takes with him to any part of his province where he may happen to be (*and decides them there*).

III. *Item.* That the said archbishop, after he has concluded his visitation of a diocese, and passed into another, deputes certain clerks *de latere suo* to exercise functions which properly belong to the diocesan.

X. This relates to appeals made to the archbishop from sentences of sequestration, which were often in consequence set aside.

At length they compromised the matter. See pages 77 and 78 of the same volume.

IBID. p. 100. A constitution of archbishop Peckham, denouncing excommunication against those who should obtain letters prohibitory from the king to prevent their causes from being tried in a spiritual court. A.D. 1283.

IBID. p. 104. In a letter from archbishop Peckham to Anianus, bishop of St. Asaph, A.D. 1284, he says: "We decree, that for the

future the clergy of your diocese, both in dress, vestments (*ornatu*), and manners, shall conform to the customs of all the other clergy in the world; so that there be (*no longer*) any shameful waste of time in drinking bouts; no long hair, small tonsure, or ignorance of the learned language (i. e. *Latin*); and let them not have their heads, legs, or feet uncovered. And because it hath been of old notorious *that your clergy have enormously and beyond measure been polluted with the vice of incontinence*, we strictly charge you, by virtue of your obedience, that you hereafter punish all beneficed clerks who are guilty of incontinency according to the statutes of the lords Otho and Othobon, legates of the apostolic see. And whereas your people stand beyond measure in need of salutary instruction, and '*as with the people so it is with the priest*,' (for we never remember to have seen such illiterate priests and clerks anywhere), we have heard with great sorrow of heart that the friars, preachers, and Franciscans, who are almost the only persons in these parts that understand the true doctrine, are not invited or even received by rectors and priests when they go about preaching the Word of God."

WILK. ii. p. 115, &c. Articles of complaint brought by the bishops against king Edward I., A.D. 1285, to which the king's answers are appended.

Art. IV. That excommunicated persons shall not be liberated from prison without the consent of the bishop.—*Resp.* Granted, unless the bishop should detain them unjustly.

Art. V. That clerks who are imprisoned shall be delivered up to their prelates when they demand them.—*Resp.* Granted conditionally.

Art. XI. That the goods of clerks who are arrested shall after their purgation be delivered up to the church.—*Resp.* Granted.

Art. XII. That the statute which prevents the property of the church from being increased shall be restricted, to enable the clergy to exercise hospitality; and also that *chantries* may be founded, and new monasteries built.—*Resp.* The king will give his licence whenever it shall seem expedient.

Note.—In this article allusion is made to the statute "*de Religiosis*," or the 7th of Edward I. Stat. 2, which provides that "no person, religious or other, shall buy or sell, or receive under pretence of gift, any lands or tenements *in mortmain* without the king's licence, under pain of forfeiture." The expression *in mortmain* implies an exemption from those military services which a feudal lord could claim from his vassal, in virtue of his tenure; for by a grant of land to a religious corporation, the king was as effectually deprived of these services as if the land had been placed in a *dead hand* (*in mortuâ manu*). The statute, then, was intended to prevent the too general absorption of land by monasteries, &c., for, not being liable to taxation, or subject to military service, they seriously injured the country by their monopoly. *In Richard II.'s time twenty-eight thousand* FEODA MILITUM (*more than half the landed property in the kingdom*) *were in the hands of the clergy!* The bishops were not at all satisfied with the answers of the king, and in 1285 presented to the king two other lists of grievances, published by Wilkins, pp. 117 and 119 of this vol.

WILK. ii. p. 137.—*Synod of Exeter, under Peter Quivil, bishop of Exeter*, A.D. 1287.

Cap. IX. Let priests who minister in chapels (*of ease*) restore all the oblations which may be offered in them whole and entire to the rector of the mother church.

Cap. XX. That the several archdeacons make diligent inquiry what rectors, vicars, or priests, are enormously illiterate, and give us due notice of the same. Let them also frequently examine parish priests whether they know the decalogue, the seven mortal sins, the seven sacraments, and whether they have at least a simple knowledge of the articles of the faith as they are contained in the creeds.

Note.—The knowledge of many priests was, before the Reformation, often inferior to that of children in our village schools. In the remainder of the chapter the bishop makes mention of a certain summary of christian doctrine, explaining the nature of the sacraments, &c., which all the clergy of his diocese were to have written out before the Michaelmas next ensuing.

Cap. XXVIII. That in every church of the annual value of forty marks, or under, each chaplain shall have an annual stipend of five marks; and that in those of greater value, his stipend shall be regulated according to the duty required (*juxta oneris quantitatem*). Moreover, lest parish priests, to the scandal of their order, should be obliged to beg, or exercise a trade, or go in mean attire, we decree that they shall receive, as an annual stipend from the rectors of the churches in which they serve, sixty shillings sterling, and that auxiliary priests shall not receive less than fifty shillings.

Cap. XXXVI. Since the cure of souls is the art of arts, we decree that no priest shall, under any circumstances, be admitted to the care of a parish on the first year after his ordination.

Cap. XLVII. The errors and abuses to which the collectors of alms have given rise, are sufficiently known to the world; for they are commonly ignorant men of vicious lives, yet feigning themselves to be learned and holy; with a presumptuous audacity they usurp the office of preaching, whilst they are totally ignorant of the Word of God. Amongst other errors they mendaciously assert that they have many more and greater indulgences than they really have; that thus they may induce simple persons to give more liberal alms, which they afterwards are not ashamed publicly to squander away in drunkenness and luxury. Wherefore we forbid our subjects to admit any collector of alms without our letters (*commendatory*), and even then let him not be permitted *to preach*, but let the parish chaplains faithfully expound to the people his business, and the indulgences, as they are set forth in the papal bulls. And let them not give credit to forged documents, which they often produce, unless they have been examined by us, and approved by the impression of our seal; and let the money which has been collected be preserved entire till the next chapter of the district, and then be entrusted to a faithful messenger by the ordinary of the place.

Cap. LIII. We have heard that in some places a very bad custom hath arisen: viz. that certain laymen will not pay their tithes entire, unless a feast hath been first prepared by the rector for themselves or their representatives; or unless gloves or something else be given to their servants for taking care of the tithes, which custom we strictly forbid, on pain of excommunication.

WILK. ii. p. 172.—*Constitutions of Gilbert, bishop of Chichester,* A.D. 1289.

Cap. XXXIX. Whereas we have been informed by credible witnesses, that some who are not true friars, or really of the order of the apostles, imitating the apostolic habit and tonsure, presumptuously exercise the office of preaching and hearing confessions in many churches of our diocese, we strictly forbid our subjects to receive any who have not a title of profession from the apostolic see.

IBID. p. 179.—*Constitutions of the diocese of Sodor,* A.D. 1291.

Cap. XXXIV. That every chaplain shall receive the chrism, the holy oil, and the oil for the sick, once a year, in clean vessels well stopped, and that he pay fourpence for each of them.

IBID. p. 180. A.D. 1291, Pope Nicholas IV. granted to the king *a tenth* of all ecclesiastical revenues for six years, with a view to the crusade.

IBID. p. 184. A.D. 1292. The archbishop of York excommunicated the bishop of Durham, who had imprisoned two of his apparitors; and in the same year the prior of Canterbury wrote to archbishop Peckham, then on his death-bed, to request that, according to ancient custom, his body might be buried in their monastery.

IBID. p. 214. From a letter of archbishop Winchelsey, A.D. 1295, it appears that the Pope had granted to the primate a power of appointing one prebendary in every cathedral in his province.

IBID. p. 220. Archbishop Winchelsey's general sentence of excommunication against all who should violate the liberties of the church, A.D. 1296, from which we learn that *Magna Charta*, and *Charta de Forestâ*, were read publicly to the people in every cathedral twice a year. It is also clear from this document, that at this time the inferior clergy concurred with the bishops in their decisions; and indeed it is almost the earliest instance on record in which they acted as members of the convocation.

IBID. p. 222. A constitution of Pope Boniface VIII. strictly forbidding the clergy to submit to any taxation of their ecclesiastical property, or to grant any subsidies, without the licence of the Pope, A.D. 1296.

IBID. p. 225. In the synod of London, A.D. 1297, "several of the preaching friars, desirous of obtaining the royal favour, endeavoured to prove that (*notwithstanding the apostolic prohibition*) in time of war, the clergy might lawfully assist the king with their property." But the prelates answered the king, "that they could

not grant any subsidies from the goods of holy church, to obtain a renewal of the charters without the leave of the Pope," (*ke il ne purreint rien graunter des biens de Seinte Eglise pour les chartres renoueler sauns conge le pape*): a reply which gave rise to a great misunderstanding between the bishops and the king; yet the archbishop in this year granted *tenths* of the church property to enable the king to repulse the Scots. Ibid. p. 229.

Wilk. ii. p. 232. The archbishops and bishops agreed in A.D. 1297, that all the clergy in their several dioceses should pay a halfpenny (*obolum*) out of every mark of their revenues, according to the last valuation, to defray the expenses of the nuncios sent to the see of Rome.

Ibid. p. 260. The bishops and clergy of the province of Canterbury granted to the archbishop, in the year 1300, four-pence out of every mark of their ecclesiastical revenues, the metropolitan see being at that time much involved in debt.

Ibid. p. 265. *A letter from archbishop Winchelsey to the bishop of Lincoln*, A.D. 1300, commanding him to prevent the archbishop of York from having his cross borne before him during his progress through that diocese: the laity were not to kneel before him for his blessing; and in all the places which he passed through, divine service and the tolling of the bells were immediately to cease. The names of all who should transgress these injunctions were to be sent to the primate, that he might proceed against them by ecclesiastical censure.

Ibid. p. 280. *Constitution of archbishop Winchelsey, in the council of Merton*, A.D. 1305, to the effect that priests who celebrated in any church, should take an oath of canonical obedience to the rector or vicar of that church; and also swear not to receive any oblations, trentals, &c., or to hear confessions without his permission. They were not to begin their masses till the gospel at high mass was ended, and they were to be present in the chancel at matins, vespers, &c. in surplices purchased at their own cost. These stipendiary priests are moreover strictly enjoined "not to keep taverns, shows, brothels, or unlawful games."

Ibid. p. 285. In the *council of Ripon*, William, archbishop of York, says: "Since, therefore, the archbishop of York, primate of England, hath in spirituals no superior except the Pope," &c. A.D. 1306. In the same council it was decreed, that on the decease of a rector, the money granted by way of dilapidations should be placed in the hands of a third party, to remedy an abuse which then prevailed: the money thus granted being often misappropriated, and the dilapidations being rated too high.

Ibid. p. 286. In the year 1306, Robert Winchelsey, archbishop of Canterbury, was suspended by the Pope from his office and dignity.

Ibid. p. 287. *A letter from the prior and chapter of Canterbury* in the same year, from which we learn that all the suffragans of the

province of Canterbury, unless by special favour, were consecrated in Canterbury cathedral.

Wilk. ii. p. 290. *A letter from king Edward II. to Pope Clement V.* A.D. 1307, entreating him to restore archbishop Winchelsey to his dignity, by removing the sentence of suspension; and accordingly in the next page there is a bull restoring to him the administration of the see both in spirituals and *temporals*.

Ibid. p. 317. *Gravamina presented by the clergy to the parliament,* A.D. 1309, with the king's replies to each article, which were in general favourable to the church.

Item. That ecclesiastical persons are compelled to make answer in the king's court concerning sentences of excommunication which they have pronounced; and also that ecclesiastical judges are prevented, sometimes by briefs, and sometimes by verbal prohibitions, from trying cases relating to oblations, mortuaries, &c.

The king replied, that in cases which relate to tithes, mortuaries, and such like, the royal prohibition shall have no place. Also that when a prelate enjoins a pecuniary penance to any man, the royal prohibition hath a place, but not if the guilty party voluntarily desires to commute his penance for money.

Item. Clerks taken up on suspicion by the secular power, are not immediately delivered to their ordinaries when they require them, but are long detained in prison, contrary to the liberty of the clergy.

To this article the king replies, that clerks apprehended on account of any crime whatsoever, shall be delivered up when their prelates demand them. They are however, on pain of being fined a hundred pounds sterling, to present them before the secular tribunal when they are required to do so, that they may be convicted or acquitted by the king's justitiary on the testimony of laymen, as has been customary.

Ibid. p. 321.—*Some additional Gravamina proposed at the same time.*

Imprimis, it is requested that our lord the king will in future abstain from demanding corrodies, pensions, or occasional entertainment (*perendinationibus*), from religious houses; or that their carts and horses should be sent to him.

Item. It is requested that respect may be paid to the letters of bishops, when, according to the custom of the kingdom, after the forty days are expired, they write for the capture of excommunicated persons; so that the writ may not be refused them upon the mere assertion of any person, to the effect that the parties were not subjects of those who excommunicated them.

Item. That when a bishop admits not ecclesiastical persons whom the king has presented to benefices, on the ground of want of learning, &c., they may not undergo an examination by laymen.

Item. That cases of bastardy or bigamy, which belong to the ecclesiastical jurisdiction, may not be tried by lay judges.

Ibid. p. 403. From *a letter of archbishop Winchelsey,* A.D. 1310,

we learn that the archbishop of Canterbury claimed as his perquisite the episcopal ring of every deceased bishop.

WILK. ii. p. 406. A.D. 1310. *A letter from archbishop Winchelsey to the bishop of Ely*, to promote a clerk to an ecclesiastical benefice in the diocese of Ely, and to grant him a suitable pension till he should provide him with the said benefice. The primate still claims the patronage or *option*, as it is called, of one benefice in every diocese in his province.

IBID. p. 416.—*Constitution of Richard de Kellow, bishop of Durham*, A.D. 1312.

Cap. II. On account of the danger of mental alienation and other impediments, let no priest celebrate the divine offices by himself; but let all the priests and ministers of the churches in the neighbourhood assemble and celebrate the divine offices together, with all due devotion and purity of heart.

IBID. p. 422. A.D. 1312. Archbishop Winchelsey, being very infirm, appointed the bishop of Llandaff to act as his coadjutor, with the consent of the prior and chapter of Canterbury.

IBID. p. 434. A.D. 1313. A bull granted by the Pope to archbishop Walter Raynold, enabling him to dispense with the illegitimacy of one hundred clerks in his province, who on that account were incapacitated by the canon law from holding benefices. In the same page there is another bull, authorising him to visit the various dioceses in his province triennially by proctors. In p. 435, there are two bulls, the first of which authorised him, for the space of three years, to reconcile churches which had been polluted by murder or fornication; and the other permitting him to grant a hundred days' indulgence to all who should be present when he preached or celebrated mass.

IBID. p. 436. A papal bull granted to archbishop Walter, A.D. 1313, authorising him to confer benefices upon twelve persons under age, provided they had attained the age of sixteen years.

IBID. p. 497. *A charter granted by king Edward II.*, authorising bishops and other ecclesiastical persons to take cognizance of spiritual offences, without interruption from the secular power, viz. fornication, adultery, or other mortal sins: they might also try causes relating to the enclosure of burial grounds; the want of decent ornaments in a church; tithes and oblations, or mortuaries. Also causes relating to ecclesiastical pensions are to be tried in the ecclesiastical court. Also all causes relating to the laying violent hands on clerks, defamation and perjury, or breach of trust, may be tried by the ecclesiastical judge, notwithstanding the royal prohibition. A.D. 1319.

IBID. p. 510. Letters from the prior and chapter of Christ's church, Canterbury, A.D. 1321, guaranteeing to the bishop of Rochester an annual rent of five marks, as an equivalent for the manor of Lambeth (*ob excambium manerii de Lambeth*).

WILK. ii. p. 514, &c. *A bull of Pope John XXII.*, A.D. 1322, granting to the king tenths of all the ecclesiastical revenues in England for two years: upon which the king issued a summons to the clergy of both provinces; but they objected, that "the church of England is free, and hath hitherto enjoyed such liberty, that the clergy neither have been, nor ought to be, convened by the authority of the king." They also complained, that "the burthen imposed upon us by our said lord the Pope is too heavy and insupportable, both on account of the failure of the crop in the present and former years, and the dearness of provisions, which, it is to be feared, will very much increase."

IBID. p. 522. *A brief of the king to the archbishop*, A.D. 1324, directing the clergy to supply him with men at arms, horses, and armour, in proportion to their revenues, for his expedition against the Scots.

IBID. p. 524. A letter from king Edward II. to the Pope, A.D. 1325, entreating him to depose the archbishop of Dublin, who had treacherously given up to the enemy the camp and city "*de Regula*," and to appoint another in his place ("*de ipsius ammotione a dictis regno et dominio et alterius subrogatione*").

IBID. p. 526. (From *Wharton's Anglia Sacra.*) A.D. 1325. The archbishop of York was appointed to the office of treasurer, which Walter, archbishop of Canterbury, resisted as much as he could, on the plea that two crosses ought not to be borne in one province. His complaint, however, was not admitted, and he excommunicated the archbishop of York for carrying his cross through the city of London; but he, notwithstanding, publicly celebrated mass at Westminster for the soul of king Edward, though without his pall. On the following day the archbishop of Canterbury, during the sitting of the parliament in the green chamber, conversed openly with the archbishop of York, although he knew that he was excommunicated by his order; for which he was gently reproved by the bishop of Rochester, and admonished to desist.

IBID. p. 533. (From *Wharton's Anglia Sacra.*) A.D. 1326. The archbishop of Canterbury proposed going to arrange the misunderstanding which had arisen between the king and queen; but "the bishop of Rochester dissuaded him from going beyond the Thames for that purpose, giving him to understand that the hearts of all the people were estranged from the bishops, and that they were universally detested, because all the troubles of England were attributed to the sloth, folly, and ignorance of the bishops."

IBID. p. 540.—*A letter from king Edward III. to Pope John XXII.* A.D. 1327, imploring him to confirm the election of Simon de Mepham to the see of Canterbury, in which he says—"Nor let your holy fatherhood suffer so holy and pure an election to lose its effect, under pretence of any reservation, &c., or your confirmation to be delayed too long, to the detriment of the see of Canterbury; lest (which God forbid!) a commotion should arise among the

people, who desire to have the archbishop elect for their pastor on account of the purity of his life, and thus an enormous scandal should be produced, if not a grievous schism." Then follow—a letter from the king to each of the cardinals, to use his influence to obtain a confirmation of the election; a letter from the dean and chapter of Canterbury to the Pope, entreating him to appoint Simon de Mepham to the government of *his* church of Canterbury; a letter from the king, requesting the Pope to use all expedition; another on the same subject to the cardinals from the king; a third letter from the king to the Pope on the same subject; a letter from queen Isabella to the Pope on the same subject; a letter from the nobles of England to the Pope, entreating him to hasten the confirmation of Simon de Mepham. There are in all *eight* letters on the subject, for both the king and the clergy were afraid that the Pope would appoint an archbishop by the odious system of *provision*.

WILK. ii. p. 549.—*Some grievances proposed by the clergy of the diocese of Exeter, in the synod of London*, A.D. 1328.

1. That servants are prevented by their masters from making a will.

2. That secular judges usurp a jurisdiction over spiritual causes.

3. Although the remedy of *appeal* was not intended for the defence of iniquity, some of our incorrigible subjects (belonging to the said diocese) appeal indifferently to the court of Canterbury from their lawful judges, and have hitherto too readily obtained prohibitions from the presidents of the said court, which enable them to elude ecclesiastical correction; so that they persist in their wickedness and rebellion with an obstinately hardened heart.

IBID. p. 556. At the metropolitan visitation of archbishop Simon, in the diocese of Rochester, A.D. 1329, the bishop of that see was accused of having neglected his duty, by omitting to correct the incontinence of his clergy, by licensing non-residence, by selling some of the lands belonging to the see to his brother for a mere trifle, by not visiting or confirming in his diocese, &c. &c.; for which he was obliged to make answer before the archbishop who acquitted him.

IBID. p. 571. *A letter from king Edward III. to the bishop of Worcester*, A.D. 1334. "Since you are bound, by virtue of your recent creation, to provide one of our clerks, whom we shall nominate, with an annual pension, till you can present him to an ecclesiastical benefice, we therefore nominate and appoint our beloved clerk, John de Crockford," &c. And accordingly the bishop of Worcester appointed him an annual pension of one hundred shillings, till such time as he could grant him preferment.

IBID. p. 655. *Charter of Edward III.* granting to the church of England various privileges and liberties, A.D. 1340. This document is in the Norman French.

WILK. ii. p. 671, &c. *A letter from king Edward to the Pope in the same year*, complaining bitterly of the conduct of archbishop John Stratford, and requesting that he might be deposed.

IBID. p. 675, &c. and 681, &c. *Constitutions of archbishop John Stratford*, A. D. 1341, for the regulation of his court at Canterbury, with respect to the probate of wills, appeals, complaints, &c. Those who desire information upon any point connected with the ecclesiastical courts, may consult them with advantage.

IBID. p. 696.—*Constitutions of archbishop Stratford*, A. D. 1342.

Cap. II. A new and insatiable covetousness hath introduced a custom of charging immoderately for *letters of institution* to those who are admitted to benefices, and *letters of orders* to those who are ordained; with a view therefore to the abolition of this abuse, we decree, that for writing letters of inquest, institution, collation, &c., clerks shall not upon any account receive more than twelve pence; and because ordinaries are bound to assign a competent salary to their officers, we decree that nothing shall be exacted from the clergy for sealing these letters, or by the marshals for letting them in, or by the bishop's porters *or barbers*.

Note. The barber was to see that the cut of the clerk's hair was strictly canonical, before he was admitted into the bishop's presence.

Cap. VII. Whereas archdeacons and other superior ordinaries exact at their visitations excessive and unlawful procurations, and often by a fraudulent contrivance come on the night before the visitation day, and lodge in the houses of the rectors and vicars, to their great cost, with their cumbersome retinues and dogs for hunting; and on the morrow when the visitation is ended, extort a whole procuration in money, as if they had not received any in victuals; we therefore strictly forbid anything of the kind to be done in future.

Cap. X. Against a practice which at that time prevailed among the archdeacons of the province, who, when the clergy or laity had committed adultery, fornication, &c., remitted the corporal penance in consideration of a sum of money, which they afterwards applied to their own use.

IBID. p. 751. *A bull of Pope Clement VI.* A. D. 1349, exempting the bishop of Lincoln during his lifetime from the jurisdiction of the archbishop of Canterbury. In the same page there is also a bull of the same Pope, granting to archbishop Simon Islip, by apostolic authority, the *provision* of twelve benefices.

CONCILIA MAGNÆ BRITANNIÆ, &c. EDIT. WILKINS, VOL. iii.

WILK. iii. 1. *A letter from archbishop Islip*, A. D. 1350, complaining of the avarice of many of the clergy, who engaged themselves to the performance of annuals, trentals, &c., to such an extent that they neglected the public ministry of the church altogether; so that many parish priests having died of the plague, a great number of churches and chapels were entirely destitute of officiating ministers. The object of this letter was to compel chaplains to perform the public offices of the church at a moderate stipend, not in any case exceeding a mark over and above the sum formerly paid to the parish priest.

IBID. p. 23. A confirmation by king Edward III. of the privileges formerly granted to the clergy, especially of that which exempted them from the jurisdiction of any lay tribunal, A. D. 1352.

IBID. p. 31. *Compromise between the archbishops of Canterbury and York*, A. D. 1354, confirmed by Pope Innocent VI. The archbishop of York might have his cross borne before him throughout the entire province of Canterbury, on condition of his sending, within the space of two months from the time of his consecration, to the shrine of St. Thomas à Becket, a golden image to the value of forty pounds, representing an archbishop bearing a cross. It might be sent by his chancellor, a doctor of laws, or a knight. The archbishop of Canterbury was to enjoy the same privilege in the province of York unconditionally.

IBID. p. 38. In a provincial synod, held at Canterbury, A. D. 1356, Sir Walter Manny, &c., demanded of the clergy in the king's name a tenth of their revenues for six years, to which request they refused to comply for the following reasons:—

Imprimis. That at the last convocation they had granted to the king *tenths* for two years, on condition of his redressing the intolerable grievances of the church; but, although the money was paid, no remedy was afforded them.

Item. That they would soon be obliged to pay a procuration to the legates of the apostolic see.

Item. That ecclesiastical benefices in these times are scarcely worth *half* what they used to be.

Item. That the interests of the clergy are materially affected by the tax upon wool (*custuma lanarum*) for six years, granted by the laity in the last parliament.

At length, however, they were persuaded to grant a subsidy of one tenth; half to be paid by next St. Andrew's day, and the other half when their grievances were redressed.

IBID. p. 49. Mandate of Ralph, bishop of Bath and Wells, against certain persons who usurped the episcopal office in his diocese; conferring the first tonsure and minor orders; consecrating chalices and altar cloths, and blessing ecclesiastical vestments, A. D. 1362.

WILK. iii. p. 52–58. *Constitutions or statutes of Canterbury Hall, in the university of Oxford*, A.D. 1362. As they did not exactly fall within my plan, I have merely referred to them for the benefit of such as may wish to make themselves acquainted with the state of college discipline in the 14th century.

IBID. p. 59.—*Synodal constitutions of Simon Langham, bishop of Ely*, A. D. 1364.

We exhort in the Lord and strictly command every shepherd of souls, and every parish priest, to know the decalogue, *i. e.* the Ten Commandments of the Mosaic law, and let them frequently expound them unto their people. Let him know also what are the seven mortal sins, and at least have a simple knowledge of the seven sacraments, and of the Faith, as it is contained in the creeds.

Let all shepherds of souls and parish priests, when they have finished the divine offices in the church, devote themselves with all diligence to prayer and the reading of the holy scriptures; that by the knowledge of scripture they may, as belongs to their office, be prepared to satisfy every man demanding a reason concerning hope or faith. And let them always direct their attention to the doctrines and precepts of the bible, (like the staves passing through the rings of the ark,) so that devotion may be nourished and increased by constant study as its daily food.

We exhort and even command priests and beneficed clerks not to pay attention to actors, mimics, and glee-men (*joculatoribus*); or to play at dice or chess, or sit by those who do so: for though some may consider these as things of little importance, according to the doctrine of the holy fathers, those who do such things offer sacrifices to demons.

IBID. p. 62. Constitution of Pope Urban V. against pluralities of benefices, A. D. 1365.

IBID. p. 65. A bull of the same Pope, A. D. 1366, revoking and annulling all unions or incorporations of ecclesiastical benefices made by the papal or any other authority whatsoever.

IBID. p. 69.—*Constitution of archbishop Zouch*, A. D. 1347, *re-enacted by his successor in the see of York, archbishop Thoresby*, A. D. 1367.

We strictly forbid all rectors, vicars, &c., to permit any one to celebrate anniversary or peculiar masses in their churches, chapels, chantries, &c., till the parish churches are first provided with parochial chaplains, at a stipend not exceeding six marks per annum.

Note. For priests often refused to serve in churches or chapels, or to attend the cure of souls, that they might live in a more leisurely manner by celebrating masses for the dead, by which they obtained larger salaries: for, according to Lindwood, some *chantry priests* had *ten marks* a year by the will of the founder; nay, A. D. 1375, *ten marks* were not thought sufficient, but five marks and a half were added to them. The plague in 1348 had raged so violently, that 50,000 are said to have been

buried in the Carthusian cemetery at London alone, and as the ranks of the clergy were not yet recruited, many parish churches were destitute of priests to officiate in them.[f]

WILK. iii. p. 81. From *a letter of king Edward III.* A. D. 1368, we learn that the jurisdiction of all the dioceses in the province of Canterbury, during the interval between the death of a bishop and the consecration of his successor, belonged to the archbishop of Canterbury.

IBID. p. 91, 92, A. D. 1372. When it was expected that the French would invade England with a great fleet, king Edward III. issued a royal mandate, to the effect that "all abbots, priors, monks, and other ecclesiastical persons of every denomination, who are between the ages of sixteen and sixty years, shall be armed and embodied (*arrajari*) to repel our said enemies, without any excuse."

IBID. p. 104. *Petitions of the prelates and clergy of the province of Canterbury to the king*, A. D. 1376, with replies to each article, made by the king's council assembled in parliament. The petitioners request that the royal prohibition may not be issued when they demand tithes of wood under the name of *Silva Cædua;* or in cases where pensions are due from one church to another: also that clerks might not be arrested during the celebration of divine service. The sixth article relates to the case of the bishop of Winchester, whose *temporalities* had been taken into the king's hands without sufficient cause. The answers are very vague and unsatisfactory, leaving the abuses complained of nearly as they found them. The whole document is in Norman French.

IBID. p. 114. *A grant of king Edward III.* in which he promises not to present to any ecclesiastical benefices or dignities which should become vacant, before the 15th day of February in the year of jubilee, A. D. 1377: and if I understand the document aright, it amounts to a perpetual resignation of the patronage of those benefices. In the same page and year there is an account of a provincial council held at York; from which we learn incidentally, that the bishop of Durham had been exempted from the jurisdiction and metropolitan authority of the archbishop of York by the special privilege of the Pope.

IBID. p. 120. *Archbishop Sudbury's constitution against non-resident rectors*, A. D. 1377, to the effect that they should return to their parishes within a month from the date of his constitution, on pain of having their benefices sequestered; many of them having by their immoral lives given great cause of scandal.

IBID. p. 134. Confirmation of the privileges, &c., of the minor canons of St. Paul's cathedral, London, by Pope Urban VI. and the archbishop of Canterbury, A. D. 1378. In the choir and in the church they were to be vested in white surplices and *almuces* of black stuff (*calabro*), lined with the skins of various small animals (*de variis minutis*); and they were also to have black open copes and large black

[f] Johnson.

hoods (*capuciis*), turned up (*furratis*) with fine linen or silk. There was to be a common table provided for them, as well as houses near to the church. They were also to receive *five pence a week*, and a penny on every double feast; seven white loaves every week, each of the weight of eight marks sterling, and three black (*brown*?) loaves, called *trencher-bread*, or in lieu of them, one penny sterling; also twelve bolls (*bollas*) of the best ale, or twelve pence sterling, and three bolls of weaker ale called "*wilkyn*," or one penny sterling. Two of the minor canons were called *cardinals*, and the office was perpetual: these were to receive the proceeds arising from private funerals and anniversaries, to celebrate capitular masses, and to administer the sacraments of the church to the sick. Their allowance was to be double that of the other minor canons in every respect.

Wilk. iii. p. 135. *Constitution of archbishop Sudbury*, A. D. 1378, to the effect that all priests celebrating annals in the province of Canterbury, should be content with *seven marks*, or with *diet and three marks;* and that priests who had the cure of souls should receive *eight* marks, or *diet and four marks*, so as to receive no more upon compact in any wise. Archbishop Islip had fixed the stipend of chantry priests at *five* marks, and of parish priests at *six* marks per annum.

Ibid. p. 188. *A letter from the archbishop of Canterbury to the Pope*, A. D. 1384, complaining that several of his suffragans, and especially the bishop of Exeter, in violation of the oath of canonical obedience, had resisted and oppugned the right of their metropolitan to visit their respective dioceses. The letter was accompanied by a comfortable assortment of florens, for the archbishop was too experienced a churchman to be ignorant of the character of the apostolic see—

> "Templa, sacerdotes, altaria, sacra, coronæ,
> Ignis, thura, preces, cœlum est venale Deusque."

The bishop of Exeter, however, submitted. (See pp. 189, 190.)

Ibid. p. 198. Bull of Pope Urban VI., A. D. 1386, permitting the archbishop of Canterbury to present to such benefices as had lapsed to the apostolic see by reason of their long vacancy.

Ibid. p. 199. Mandate of the bishop of Exeter, A. D. 1386, to the effect that chantry priests should not presume to celebrate mass on Sundays and holidays, until the public service of the church had been concluded.

Ibid. p. 215. *Constitution of archbishop Courtney*, A. D. 1391, against *choppe churches*, *i.e.* clergymen who made a regular traffic of preferment; sometimes defrauding by an unequal change of benefices, or causing persons to be instituted to livings after first making them swear that they would claim no profits from them. By these means a man who was insufficient for even one cure, obtained by a trick the profits of many benefices, and spent his time in London, living luxuriously, and wholly neglecting that

hospitality which the clergy ought to keep up in their parishes. The archbishop therefore enjoined his suffragans to take an oath of all persons presented to benefices, that they had made no pecuniary promises either directly or indirectly, either by themselves or others; and in cases of exchange, no proxies, although signed by notaries, were to be allowed without the presence of the principals.

WILK. iii. p. 241.—*Gravamina presented by the inferior clergy to the bishops in the convocation,* A.D. 1399.

17. That the bishops may not licence unbeneficed chaplains to preach.

25. That in many places rectors are not permitted to carry away the tithes due to them, unless they feast the bailiffs, carter, &c., and other parishioners of those places, on all Sundays and festivals throughout the entire of the autumn.

29. It is said that the laity, who have no lawful authority over the church, intend in the present parliament (through the instigation of the Lollards) to enact laws prejudicial to the interests of the clergy.

42, 43. Complain of royal prohibitions in causes purely spiritual.

44. That *Magna Charta*, the statute "*circumspecte agatis*," and the "*articuli cleri*" (enacted in the reign of Edward II.), should be ratified and confirmed by the king.

53. That money left for *chantries*, *lights*, or other pious uses, was often misappropriated.

55. That the clergy were often sued in secular courts, or hanged.

58. That the clergy are often arrested and hurried away to prison, even during the celebration of divine service.

The clergy also complained in this synod that they were grievously oppressed both by the king's servants and the Pope.

IBID. p. 246. From a bull of Pope Boniface IX. we learn, that when archbishop Arundel was in disgrace, he was translated by the Pope from Canterbury to St. Andrew's; but in 1399, the Pope revoked the bull of translation, on the ground that Arundel had not consented to the measure: a very absurd reason, if we consider the comparative value and importance of the two sees. This archbishop having become obnoxious to king Richard II., the Pope translated him to "*the rocks of Scotland*" as to a sort of *penal settlement:* but North Britons would not receive him, so that he exchanged the see of Canterbury for a merely *titular* dignity, without emolument and without jurisdiction! On the accession of Henry IV. he was taken again into favour.

IBID. p. 258.—*Degradation of William Sawtre, a Lollard,* A.D. 1400.

On the 23rd or 24th days of February, the lord archbishop, solemnly vested in his pontifical robes, and sitting on the episcopal throne, at

St. Paul's cathedral, London, assisted by the venerable fathers, the bishops of London, Lincoln, Hereford, Exeter, St. David's, and Rochester, caused the said William Sawtre, dressed in sacerdotal vestments, to be presented before him; and the process against him having been first read to the people in English, as he still continued impenitent, the archbishop proceeded to degrade and depose him as follows:

In the name of the Father, Son, and Holy Ghost, we, Thomas, &c., degrade and depose you from the order of *priests*, and in token thereof we take from you the paten and the chalice, and deprive you of all power of celebrating mass: we also strip you of the chasuble, take from you the sacerdotal vestment, and deprive you altogether of the dignity of the priesthood.

Thee, also, the said William, dressed in the habit of a deacon, and having the book of the gospels in thy hands, do we degrade and depose from the order of *deacons* as a condemned and relapsed heretic: and in token thereof we take from thee the book of the gospels, and the stole, and deprive thee of the power of reading the gospels.

We degrade thee from the order of *subdeacons*, and in token thereof take from thee the albe and maniple.

We degrade thee from the order of an *acolyth*, taking from thee in token thereof this small pitcher and taper staff (*ceroferarium*).

We degrade thee from the order of an *exorcist*, and take from thee in token thereof the *book of exorcisms*.

We degrade thee from the order of *readers*, and take from thee in token thereof the book of divine lessons.

Thee also, the said William Sawtre, vested in a surplice as an *ostiary*, do we degrade from that order, taking from thee the surplice and the keys of the church.

Furthermore, by the authority of the omnipotent God, Father, Son, and Holy Ghost, &c., we degrade and depose thee, as an obstinate and incorrigible heretic, from all orders, benefices, privileges, from the clerical habit, and the ecclesiastical judicature,—the secular court of the constable and marshal of England being here present; and as a sign of actual degradation, we have caused the crown and clerical tonsure to be shaved off in our presence, and to be entirely obliterated, like a layman; we have also caused a woollen cap (*capitium stragulatum*) to be put upon thy head as a secular layman.

Wilk. iii. p. 267, A.D. 1402. Archbishop Arundel being in Winchester cathedral, where he celebrated a pontifical mass, claimed and exercised the ancient right of a metropolitan to receive oblations in the churches of his suffragans.

Ibid. p. 271, 272. A.D. 1402. Petition to the archbishop, bishops, and clergy, to king Henry IV., who in consequence confirmed the act called "*Benefit of Clergy*."[g]

[g] 3 Edward, i. c. 2.

Wilk. iii. p. 275. *Constitution of archbishop Arundel*, A.D. 1403, for the sequestration of the revenues of all benefices in the diocese of Canterbury, where the incumbents were *non-resident*.

Ibid. p. 276. Mandate of the same archbishop in the same year, to compel incumbents to repair their parsonage-houses and chancels, which were in many instances in so ruinous a state, that the offices of the church were obliged to be discontinued.

Ibid. p. 335.—*Gravamina presented by the clergy to the Convocation*, A.D. 1411.

4. That the vassals of temporal lords may not be prevented from making their wills.

5. That priests and other ecclesiastical persons accused of adultery or fornication, may not be indicted for rape before the king's justices.

Ibid. p. 361.—*Articles for the reformation of the church presented by the university of Oxford to the king*, A.D. 1414.

Art. IX. Against the admission of unworthy prelates and curates, who are merely blind leaders of the blind.

Art. X. On the unworthiness of the bishop's officials.

Art. XI. Against the practice of bishops holding livings *in commendam*.

Art. XII. Against the *nepotism* of bishops, who appointed their nephews and relations, although they were beardless boys, to the cure of souls.

Art. XV. Against the appointment of young gentlemen to prebends and chapels, who neither recited the canonical hours, nor distinguished themselves from the laity, either in the tonsure or in dress.

Art. XVI. XVII. Against non-residence and pluralities.

Art. XVIII. Against the excessive feasting in colleges.

Art. XIX. Against the sale of benefices.

Art. XXIV. Against the excessive fees exacted by ordinaries for letters of orders or institution, the probates of wills, &c.

Art. XXV. That their visitations are a great burthen to the clergy.

Art. XXXVI. Since a large, insolent, and illiterate crowd of regulars and seculars daily present themselves to receive holy orders, let it be decreed that all of them, of whatsoever religion or condition they may be, may in future undergo a strict examination by the ministers of the ordaining bishop in receiving orders, and especially the subdiaconate.

Art. XLV. Against the costly and unclerical apparel of the clergy.

Ibid. p. 377. In the convocation, A.D. 1416, November 9th, a certain priest, who called himself rector of Wortham, in the diocese of Norwich, was accused of many crimes; viz. of theft, rapine, adultery, fornication, and other errors and heresies; and it was determined to proceed against him by way of inquisition. Accordingly, on the 23rd day of the same month, master John Barton

appeared before the synod and purged himself by an oath, swearing that he was falsely accused of heretical pravity.

Ibid. p. 381. *Constitution of archbishop Chicheley in favour of the universities*, A.D. 1417, to the effect, that if a living fell vacant of the annual value of sixty marks, or upwards, with cure of souls, or of forty marks, or upwards, without cure of souls, the patron should be obliged to present it to some doctor in one of the faculties. If the benefice should be worth fifty marks with, or thirty marks without, cure of souls, it was to be presented to a licentiate in one of the faculties, or to a bachelor in theology; and livings of the value of forty marks with, or twenty marks without, cure of souls, could not be held by any who were not masters or bachelors of arts.

Wilk. iii. p. 392.—*Concordat of Pope Martin V. to the English church*, A.D. 1419.

Art. III. In future let no appropriations of parish churches be made *de motu proprio*, but let the diocesan first examine the truth of the allegations before he gives his consent.

Art. IV. Let all unions, consolidations, &c., of perpetual vicarages in parish churches, made since the time of the schism, be revoked, and let one perpetual vicar be appointed in every church.

Art. VI. Dispensations for pluralities are not to be revoked, unless they are very scandalous; but they shall not be granted in future.

Art. VII. Whereas of late it hath happened in the said kingdom of England, that those who have obtained benefices with cure of souls, have frequently received dispensations from the apostolic see to hold those benefices for three, four, six, or seven years, or *even for ever*, without taking holy orders, contrary to the common law, and to the grievous scandal of the church; all dispensations of this kind we utterly revoke: but if such beneficed persons be otherwise fit, let them receive holy orders.

Art. VIII. Whereas, in consequence of papal dispensations for non-residence, or to enable archdeacons to visit by proctors, not only the care of souls is neglected, but the episcopal jurisdiction hath fallen into contempt; let such dispensations be altogether revoked, unless there be a reasonable cause.

Ibid. p. 399. In the *convocation*, May 27, 1421, it was decreed that bishops or archdeacons should not receive more than twelve shillings as a fee for inducting or instituting a clerk; and that no further sum should be demanded for sealing the letters certificatory. Also that in the collation of orders no fee whatsoever should be received, either by the ordaining bishop, the clerk who writes the letters of orders, the bishop's barber, or any other official; but every thing was to be done gratuitously to the glory of God.

Ibid. p. 429. In the *convocation*, A.D. 1424, on a subsidy being demanded from the clergy in behalf of the king, they answered by their proctors, "That such was the poverty of the clergy, and

especially of curates, residing at home and exercising hospitality, that it was impossible for them to grant any subsidy which could apply generally; adding, that there were very many benefices in the diocese and province of Canterbury, reduced so much in value, that no priests could be found who would undertake to officiate there."

Wilk. iii. p. 528, &c. In the *convocation*, A.D. 1438, the king made a formal complaint, that the number of students in the universities was seriously diminished, in consequence of their want of patronage for the reward of literary merit; and he requested at the same time that such a provision might be made from the patrimony of the church, as would make graduation an advantage. This document is followed by petitions to the same effect from both the universities, and in consequence thereof the archbishop renewed the constitution which he had made in 1417.[h]

Ibid. p. 534, A.D. 1439. Petition of the clergy to the king for the repeal of the statute called "*præmuniri facias*,"[i] by which they were forbidden under heavy penalties to receive bulls, &c. from the court of Rome prejudicial to the king, *or to any of his liege subjects*; or to pursue or cause to be pursued in the court of Rome any processes which touch the king or his realm.

Ibid. p. 535.—*Constitution of archbishop Chicheley*, A.D. 1439.

Whereas there are in our province of Canterbury many vicarages belonging to rich churches, so poor as hardly to afford a scanty livelihood to their vicars, the devotion of the people (*in making oblations*) being unusually lukewarm; and whereas, when the said vicars sue for the augmentation of their portion, so many exceptions and difficulties are raised through the indirect arts and delays of the rectors, that they are compelled from poverty to desist from their just suit: we decree that, in causes which relate to the augmentation of small vicarages, the proceedings shall be summary, and without the solemnity of judicature, if the plaintiff require it; and also that if the said vicars upon oath affirm themselves to be poor, they shall be allowed to prosecute their suit *in formâ pauperum*, the ordinaries acting themselves gratuitously, and also causing the advocates, proctors, scribes, &c., of their consistorial courts to defend and act for them without making any charge. Let portions be assigned to the said vicars in proportion to the gross revenues of the church and the burthens which belong to the vicar; and let no smaller portion than that of *twelve* marks per annum be assigned to any vicar, if the whole profit of the church whose vicarage is to be augmented should amount to that sum.

Ibid. p. 545.—*From a council held at Edinburgh*, A.D. 1445.

A bull of Pope Gregory's was produced, in which he says: "It has been related to us, that formerly the kings of Scotland, under pretence of a custom, which rather deserves the name of a corruption, used rashly to appropriate to their own use all the goods move-

[h] See pp. 120, 121.

[i] 16 Richard II. c. 5.

able or immoveable which the bishops of that kingdom possessed at the time of their decease."

WILK. iii. p. 552. *A charter of king Henry VI.*, A.D. 1446, confirming the ancient privilege of the archbishops of Canterbury, who were allowed to coin money in the city of Canterbury, "*tres monetarios cum tribus cuneis ad monetam fabricandum in civitate Cantuarien. perpetuò habendos.*"

IBID. p. 568.—*Council of the province of Cashel, at Limerick,* A. D. 1453.

Can. 47. That when violent hands are laid on a bishop, the whole province shall be placed under an interdict: if he be an inferior prelate or a priest, the whole diocese; and if only a simple clerk, the deanery.

Can. 53. Schoolmasters are prohibited, on pain of excommunication, from admitting noblemen or others to their lectures, concerning whom there is no hope of their being useful in the church of God.

Can. 62. The council declares, that no credit is to be attached to the resignations of bishops, unless the seals of the person who resigns, and also of the chapter of his cathedral, be attached to them, together with the signatures of four of the chapter and two notaries-public.

Can. 65. Let beneficed persons, who do not recite the canonical hours, be *ipso facto* deprived; and those who bear arms be fined forty shillings *toties quoties.*

Can. 71. That clerks shall not receive the children of noblemen to educate, on pain of forfeiting forty shillings to the ordinary.

Can. 86. That in cathedrals in which there is a choir, no persons shall be admitted as prelates who cannot sing.

Can. 96. That with the consent of the bishop, dean, and chapter, a division of the fruits of a large benefice may be made in order to augment a small one.

Can. 97. That such clerks as remain excommunicate for a year, shall be deprived of their benefices, and rendered incapable of receiving other preferment.

IBID. p. 573. Commission of archbishop Bouchier to reform the crimes and excesses of the clergy of his diocese, many of whom were grossly ignorant or profligate, A.D. 1455.

IBID. p. 577. In the *council of Perth*, A.D. 1459, the clergy sent word to the king, that, by the ancient custom of the realm of Scotland, he might present to all livings (in the patronage of the diocesan) which might fall vacant between the death of any bishop and the admission of his successor to the temporalities.

IBID. p. 583. *Charter of king Edward IV.*, A.D. 1462, confirming the liberties of the clergy; exempting them from arrest by laymen, from vexatious processes under the statute "præmunire," and from all prohibitions against their exacting tithes of large trees.

IBID. p. 606. The sees of St. Andrew's and Glasgow were made archbishopricks in the year 1471, by Pope Sixtus IV., Scotland having been hitherto a part of the province of York: the Scottish bishops, however, offered the king 11,000 marks to oppose the innovation, but without success.

WILK. iii. p. 644. Bull of Pope Alexander VI., A. D. 1496, to reform the discipline of the church of Ireland, which was at this period very lax.

IBID. p. 660.—*Provincial constitutions of Rokeby, archbishop of Dublin*, A. D. 1518.

8. Let clerks who play at football, pay for every offence forty pence to the ordinary, and forty pence for the repair of the church.

IBID. p. 660.—*Letter of cardinal Wolsey to abp. Warham*, A.D. 1518.

"My lorde, albeit such and many other things as be specially expressed in your said monicyons be to be reformed generally through the churche of England, and that being legate *a latere*, to me chyefly this apperteyneth, though hyderto, nor in time coming, I have, ne woll execute any legatine jurisdictyon but onely as shall stande with the king's pleasure; yet assured I am that his grace wolde not I shulde be so lytle estemed that ye shulde enterpryse the said reformacyon, to the derogacyon of the said dignitee of the see apostolike; and otherwise than the law woll suffre you without myne advyce, consent, and knowlege; nor ye had no such commaundement of his grace, but expressely to the contrary. Wherefore, my lorde, sithens ye have don otherwise than was aggreyde at that tyme, necessary it shal be that furthwith ye repare to me, as well to be lerned of the consyderacyons which moved you thus to do besydes my knowledge, as also to have communicacyon with you for dyverse things concernying your person," &c.

IBID. p. 663, &c.—*Constitutions of the various archbishops of York, collected and classified, about* A. D. 1518.

In the convocation held in the province of York, under archbishop Booth, A. D. 1462, it was agreed, that such of the provincial constitutions of the archbishops of Canterbury as were not prejudicial to the church of York, should be received and incorporated with the constitutions of the province of York.

Const. of archbishop Grenefeld. Let not rectors appoint priests to serve in their churches till they have presented them to the archdeacon, who shall examine respecting their fitness, and, if they be worthy of admission, enter their (*names and*) stipends in the roll of the chapter.

Const. of archbishop Kempe. That chantry priests shall, on the next Sunday after their admission, swear that they will do no injury to the churches in which they serve, with respect to oblations, portions, tithes, &c.; and also that they will not excite contentions between the rector and his parishioners.

Const. of archbishop Grenefeld. Since the archbishop of York, primate of England, hath no superior in spirituals except the Pope, none of our subjects shall appeal from his decision to the archbishop of Canterbury.

Const. of archbishop Kempe. That chantry priests shall swear to be present in the chancels of the churches in which they serve at matins, processions, masses, and vespers, vested in surplices to be provided at their own expense; and, at the appointment of the curates, they shall read the lessons, epistles, and gospels at high mass, &c.

Wilk. iii. p. 708. A letter from Fox, bishop of Winchester, A.D. 1527, stating his conviction that a thorough reform of the vices and irregularities of the clergy would appease the murmurs and discontent of the people, gratify the king, and be more acceptable to Almighty God than any sacrifices.

Ibid. p. 713.—*Synod of Ely*, A.D. 1528.

That no chaplain or priest of the diocese of Ely shall presume to celebrate in those uncomely garments (*togis indecentibus*) called "*ruggid gowns.*"

Ibid. p. 713, A.D. 1528. A bull granted to cardinal Wolsey, by Pope Clement VII., to the effect, that whereas it was extremely difficult to procure the attendance of the number of bishops required by the canon law for the degradation of a priest, in cases where they deserved to be degraded on account of their enormous crimes, in order to their being delivered over to the secular arm, a single bishop, assisted by two abbots or lay dignitaries, might perform the ceremony.

Ibid. p. 717.—*Convocation of the province of Canterbury*, A.D. 1529.

That all bishops be present at their cathedral churches, at least on the three great festivals of Christmas, Easter, and Pentecost, and celebrate mass; that they annually consecrate the holy oil, and the oil for the sick on holy Thursday; that they make a circuit of their dioceses at proper times, reforming monasteries and hospitals, correcting the clergy and people, extirpating heresies, and sowing the word of life in the field of the Lord. In conferring orders or benefices, and in instituting curates, let them be much more diligent and vigilant than hitherto, lest inefficient persons should be admitted to the cure of souls even for a time. Let them also compel rectors to reside upon their benefices, utterly revoking any permission which may have been given to let out these benefices for money; let them restrain the exactions and severity of their officials: and take care that rectors and vicars either preach, or cause sermons frequently to be preached, in their churches. Such of the clergy as shall be convicted in presence of the laity of detestable crimes, let them condemn to even perpetual imprisonment; coercing such clerks as hunt or hawk, and recalling other indolent or dissolute clerks to devout exercises and a holy conversation.

In future, let no lay clerk be admitted to holy orders, unless he can produce letters testimonial from the curate and churchwardens (*œconomorum*) of the parish in which he has been born, beneficed, or in which he has resided for the last three years, under the seal of the archdeacon of the district; or, if he has been a student in either of the universities, under the seal of the vice-chancellor. Let bishops also take great care that in future they ordain no person to the order of subdeacon, unless he be so well versed in the holy gospels and epistles, at least such as are contained in the missal, that he can promptly and quickly explain the grammatical sense of the same to the examiner; and also be competently instructed in the duties of the order to which he is about to be promoted.

Since, when the affair is transacted by proxy, the ordinary may be ignorant of the learning, morals, or condition of the person presented to him, and so, as frequently happens, may through ignorance admit an unlearned or ignorant person, or a monk, to a benefice; we therefore decree, that in future no person shall be instituted to a benefice unless he appear in person, that he may be diligently examined respecting his learning and morals; unless he be a dignitary of the church, or be at least a master of arts, or a bachelor of civil or ecclesiastical law.

That no false pretence of studying at the university shall excuse absence from a benefice; and that if the chancellors of the universities find there young beneficed clerks, who, instead of studying, devote themselves to indolence and luxury, they shall give notice of the same to their diocesans.

That no person deserting his own church shall accept a stipend elsewhere, on pain of forfeiting half the amount of his living.

That a subdeacon or a deacon, convicted of simple fornication, shall be imprisoned for three months, and be fed on the bread of affliction and the water of grief, on all the Wednesdays and Fridays during the interim. A double penalty for adultery, a treble for incest, and so on in proportion. If the delinquent be a curate or a monk, let some additional punishment be adjudged.

Against the vice of simony—then very prevalent.

Since indolence is the parent of every vice, this holy council enjoins all curates, rectors, chantry priests, &c., that when the divine offices are concluded, they be afterwards occupied in study, prayer, the instruction of children, or some other honest employment: and on three days in every week let them exercise themselves for three, or at least two, hours in reading the holy scriptures, or some approved doctor.

WILK. iii. p. 740.—*Complaints of the House of Commons against the clergy*, A. D. 1530.

5. Because spiritual persons, promoted to great benefices, and having their livings of their flocks, were lying in the court in lords' houses, and took all of their parishioners, and nothing spent on them

at all; so that for lack of residence, both the poor of the parish wanted refreshing, and universally the parishioners lacked preaching and true instructions of God's Word, to the great peril of their souls.

6. Because one priest, being a little learned, had ten or twelve benefices, and was resident on none; and many well learned scholars in the university, which were able to preach and teach, had neither benefice nor exhibition.

Wilk. iii. p. 783. King Henry VIII.'s commission to the bishop of Exeter and others, for the rating and valuation of the first-fruits and tenths in that diocese, A.D. 1534.

Ibid. p. 799. His instructions in 1535, to send in the true value of all the possessions of the church and churchmen.

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§ II.—REVENUES OF THE CLERGY.

Concilia Magnæ Britanniæ, Edit. Wilkins, Vol. I.

Bede's Eccl. Hist. b. i. ch. 27.—*From Pope Gregory's answers to Augustine,* A.D. 601.[k] (Wilk. i. 19.)

Q. 1. Being asked, into how many portions the money which the faithful offer at the altar ought to be divided, and how a bishop ought to conduct himself in the church? Gregory replies: "It is the custom of the apostolic see to charge bishops, at the time of their consecration, that the entire income be divided into four portions: viz. one for the bishop and his family, to enable him to exercise hospitality; another for the clergy; a third for the poor; and a fourth for the repair of churches: but, in the English church, it is expedient that the same mode of life should be adopted as was practised by our forefathers in the infancy of the church; at which time no man called any thing his own, but they possessed all things in common. If, however, there should be any of the clergy not in holy orders[l] who cannot contain themselves, wives ought to be assigned them, and they should receive their stipends apart from the rest. All that remains over and above, ought to be applied to pious and charitable purposes."

Note. Bede, in a letter to Ecgbriht, published by Sir James Ware, tells us that Wilfrid, when he held the see of York, A. D. 676, received an annual payment from every one, even in the remotest parts of his extensive diocese.

Wilkins, Concil. i. 59.—*Ecclesiastical laws of Ina, king of the West-Saxons,* A. D. 693.

Cap. 4. Let the *church-scot* (*cyricsceattas*) be paid at Martinmas; and if any one neglect to do so, let him pay a fine of forty shillings, and pay the *church-scot* twelve-fold.

[k] See p. 19.

[l] *i. e.* under the rank of a deacon.

Cap. 61. The church-scot must be paid for that roof and fire-hearth in which a man resides at Midwinter (i. e. *Christmas-Day*).

Note. The *church-scot* was to be paid according to the value of the house in which a man lived at Christmas; but he had nearly eleven months allowed him, viz. from December 25th to November 11th, (*St. Martin's day*). The *Rome-scot* was the same to every housekeeper, but the *church-scot* varied, not according to the wealth of the person, but the value of the house in which he dwelt at Christmas. It was commonly paid in *grain* or *seed*, though sometimes in *fowls*: (see *Cyric-set* in Spelman). It was paid first to the bishop's church, then to the *Lester* to which the man resorted for divine worship. We cannot doubt that tithes were paid in England at this time and before; for Boniface, who was born in 670, (and was consequently at this time twenty years old,) testifies in his letter to Cuthbert that tithes were paid in the English church. He says, talking of the English clergy, "They receive the milk and wool of Christ's sheep in the daily oblations and *tithes* of the faithful, and neglect the care of the Lord's flock." That tithes and church-scot were perfectly distinct from each other, is evident from the eighth and ninth constitutions made at Ænham in 1009, which require tithes to be paid at All-hallows, and church-scot at Martinmas.[m]

WILK. i. p. 102.—*Excerptions of Egbert, archbishop of York,* A. D. 750.

Ex. 4. That every priest shall teach all who belong to him, that they may know how they ought to pay tithes of all their property to the holy churches of God.

Ex. 5. That the priests themselves shall receive the tithes from the people, and keep a register of the names of those who have paid them; and, according to canonical authority, distribute them in the presence of the faithful; and appropriate the first part to the beautifying of the church; let them apply the second part to the use of the poor and strangers, mercifully and with all humility; the third part let the priests reserve to themselves.[n]

Ex. 24. That churches anciently built, shall not be deprived either of tithes or of any other possessions, that they may be given to new oratories.

Ex. 25. That to every church one entire *manse* shall be assigned, and that the presbyters who are appointed in them shall do no other than ecclesiastical service for the tithes and oblations of the faithful, or for the houses, outbuildings, or gardens near the church.

Ex. 26. That bishops and presbyters have a house of entertainment (*hospitiolum*) near the church.

Note. For at this time the *districts* assigned to priests were so large, that after the conquest three or four *parishes* were sometimes made out of one of the old districts. A house for the entertainment of those who came from a distance to divine service or confession was therefore absolutely necessary.

Ex. 101. An argument in favour of tithes from the Levitical law.

Ex. 102. Augustin says, "Tithes are the tribute of the churches *and of needy souls.* O man, God requires tithes of thy livelihood:

[m] Johnson in loco, and Appendix.

[n] This is exactly like the 24th canon of Ælfric, A. D. 970, Wilk. i. 253.

pay tithes therefore from that which you have gained by war, by merchandise, or by trade."

Ex. 107. We think it also just that this should be observed for mercy's sake; that prisoners, for whatever crime they are incarcerated, be attended to on the Lord's day by the archdeacon, or by the provost (*præposito*) of the church; and that competent victuals be assigned to them by the bishop from the house belonging to the church (*de domo ecclesiæ*).[o]

WILK. i. p. 149.—*Legatine council at Cealchythe*, A.D. 785.[p]

Can. 17. That tithes be paid justly, as it is written in the law, Exod. xxiii. 19, Mal. iii. 10, &c.; and so it often happens that he who hath not given the tenth (*of his increase*) is reduced to a tenth: wherefore we enjoin, with earnest supplication, that all carefully pay tithes of all their possessions, because they are the especial property of our Lord God: and let a man live and bestow his alms out of the nine parts which remain.

IBID. p. 154. From *Brompton* (*Monachus Jornalensis*, or *Jervalensis*): "A.D. 793, Offa, king of Mercia, having treacherously procured the death of Ethelbert, king of the East Angles, by way of satisfaction gave the tenth part of all his possessions to the holy church, (*decimam omnium rerum suarum*); and also many (*plow*) lands to the church of Hereford, in which the aforesaid glorious martyr Ethelbert lies. He also founded the abbey of St. Alban's."

IBID. p. 184. *Council of Winchester*, A.D. 855.—From *William of Malmsbury*. Æthelwulf, king of the West Saxons, after the Danes had dreadfully harassed his kingdom, granted to the church every *tenth hide* throughout his dominions, (unless the words *terræ mecæ* are to be restricted to the royal estates,) as well as the tenth part of all his possessions. The Latin is so very obscure, that I have adopted the plan of our ecclesiastical historians, none of whom have had the hardihood to translate it. The word in italics is added from Ingulphus.

DONATIO ETHELWULFI . . . . "Quamobrem ego Ethelwulphus, Rex Westsaxonum, consensimus, ut aliquam portionem terrarum hæreditaream antea possidentibus omnibus gradibus, sive famulis et famulabus Dei Deo inservientibus, sive laicis *miseris*, semper decimam MANSIONEM, ubi minimum sit, tum decimam partem omnium bonorum, in libertatem perpetuam donari sanctæ Ecclesiæ dijudicavi; ut sit tuta et munita ab omnibus secularibus servitutibus, imo regalibus tributis, majoribus et minoribus, sive taxationibus quæ nos WITEREDEN dicimus, sitque libera omnium rerum pro remissione animarum nostrarum, &c." Rex vero Ethelwulphus pro firmitate ampliore, obtulit hanc chartulam scriptam super altare sancti Petri apostoli.

In this council it was determined by the bishops, that "in every church, on each Wednesday, all the brethren and sisters should sing

[o] A canon of Orleans.

[p] See p. 26.

fifty psalms, and every priest celebrate two masses for the king and his nobles, who had consented to this grant."

Note. The *mansio* or *hida* mentioned in this grant consisted of about one hundred and sixteen acres. The word *manse* is still used in Scotland to signify the rectory and glebe-land. Florence of Worcester makes mention of *two* grants of tithes by Ethelwulph: viz. the *first*, in which he granted the *tenth hide* throughout his dominions indefinitely to the church; and the *second*, in which he desired, that "throughout all the land which he had inherited, always, till the day of judgment, one poor man or traveller should be supplied with food, drink, and clothing, for every ten hides, *by his successors*," (observe, not by the clergy). And Spelman says, in allusion to this grant, "Without doubt, this grant (*to the poor*) was made at a different time, and was another work of royal piety; as is clear from the testimonies of Florence of Worcester, Malmsbury, and Matthew of Westminster: the *one* was made A. D. 855, when Æthelwulph was going to Rome; the other two years after, A. D. 857, when he was upon the point of death." The grant of tithes was afterwards confirmed by the following kings of all England.: viz.

By king Æthelstan, A. D. 928, *Laws*, ch. i. ii., *Wilk.* i. 205.
By king Edmond, A. D. 944, *Laws*, ch. ii., *ibid.* p. 214.
By king Edgar, A. D. 967, *Laws*, ch. i. ii. iii., *ibid.* p. 245.
By king Æthelred, A. D. 1012, *Laws*, ch. iv., *ibid.* p. 295.

After which time, laws concerning tithes were so common that it would be useless to repeat them.

WILK. i. p. 203.—*Ecclesiastical laws of kings Alfred and Guthrun*, A. D. 878, *afterwards confirmed by king Edward the elder*, A. D. 905.

Cap. VI. If any one should retain his tithes, or St. Peter's penny, or his candle-money (*for lights in the church*), or his *plow-alms*, or any other ecclesiastical rights, let him pay a mulct, or the *lashlite* if he be a Dane.

IBID. p. 228.—*Canons under king Edgar*, A. D. 960.

Can. 54. That the priests admonish the people what they ought carefully to pay unto God: viz. the *plow-alms* fifteen days after Easter; the tithe of young animals at Pentecost; of the fruits of the earth, on All-saints' days; St. Peter's penny at Peter's mass; and the church-scot at Martin's mass.

IBID. p. 245.—*Ecclesiastical laws of king Edgar*, A. D. 967.

Cap. I. That all tithes be paid to the *principal church* (*ealdan mynstre*) to which the parish belongs, according to the course of the plow.

Cap. II. If a thane shall possess in his own *feod* a church to which a cemetery belongs, then may he give the third part of his tithe to his own church: but if the church have no burial-ground, then let ecclesiastical dues of every description be paid to the prin-

cipal church; and let him give what he will out of the nine (remaining) parts to his own priest.

Cap. III. If a man will not pay tithes, let the king's reeve, and the bishop's reeve, and the priest of the church, go to him and take the tenth part, whether he will or no: and let them assign to him the ninth part; and let the eight other parts be divided into two—half to go to the king, and half to the bishop.

WILK. i. p. 278.—*Capitula made in king Æthelred's reign*, A.D. 994.

Cap. XXXV. Both mariners and farmers ought to give unto God the tenth part of all the profits which arise in the course of trade; and thus let all men, out of the same craft with which their bodies are supported, provide necessaries for their souls.

IBID. p. 302.—*Ecclesiastical laws of king Canute*, A.D. 1033.

Cap. X. If a man shall detain the *church-scot* after St. Martin's day, let him pay it to the bishop eleven fold, and one hundred and twenty shillings to the king.

Cap. XII. The *light-scot* is to be paid thrice a-year: viz. on Easter-eve, on All-saints' days, and the Purification of the Blessed Virgin Mary, viz. a wax candle of the value of a halfpenny for every *hide* of land.

IBID. p. 311.—*Laws of king Edward (Confessor)*, A.D. 1052, *confirmed by king William I.*

Cap. VIII. IX. The tenth sheaf is due to God of all corn; also the tenth foal, and the tenth calf: but let the man who has only one or two give a penny for each foal, and a halfpenny for each calf. Tithe is also to be paid of cheese, milk, bees, wood, meadows, waters, mills, warrens, fisheries, osiers, gardens, and *the profits of trade:* for St. Augustin (*the apostle of the English*) preached and taught this, and these things were granted by the king, his barons, and people. Afterwards however, by the instigation of the devil, many kept them back, and rich and negligent priests cared not to encounter the trouble of recovering them, having a sufficient maintenance without. In many places also there are now three or four churches where there was then only one.

N.B. The price of a calf was therefore five-pence, and of a foal ten-pence.

IBID. p. 383.—*Council of London, under archbishop Anselm*, A.D. 1102.

Can. 22. That monks receive not churches unless by (*the institution of*) bishops, nor so despoil those which have been given to them of their revenues, that the priests who serve there suffer penury in those things which are necessary for themselves or for the church.

Note. We here see the origin of *vicarages.*

Wilk. i. p. 412.—*Constitution of Thurstan, archbishop of York, concerning the debts of the clergy,* A.D. 1134. That when a canon dies, the revenues of his prebend on the following year shall be distributed for the payment of his debts, and the (*repose of*) his soul, according to the advice and disposition of the clergy.

Howelli Synopsis Conciliorum, p. 96.—*Council of Avranches, in Normandy,* A.D. 1172.

Can. 8. Let not a priest who serves a church receive less than a *third* part of the tithes.

Can. 2 and 9. Those who hold tithes by *hereditary right,* may confer them upon any clerk they please, if he be a proper person; with this proviso, however, that after his death they shall return to the church to which they justly belong.

Wilk. i. 507.—*Council of London, under archbishop Hubert,* A.D. 1200.

Can. 10. That no clerk be instituted to a church whose annual revenues exceed not *three marks,* unless he will serve it in person.

Can. 14. That no templars, hospitalers, or other religious bodies, receive churches or tithes from a lay hand, without the authority of the bishop; and that they relinquish those which they have of late so received, upon pain of interdict.

Note. Lay patrons, before the third council of Lateran, A.D. 1179, used to appropriate churches and all or part of the tithes to monasteries, or other religious bodies, merely by their own authority.

Ibid. p. 571.—*Constitution of William de Bleys, bishop of Worcester,* A.D. 1219.

When a parson or vicar dies, all the fixtures shall belong to his successor; also one table with two stools, the largest if he had several; the largest brass pot, the largest box, the largest tub, the largest basket, and the best cart (*melior carecca*).

If a parson or vicar should die before the Annunciation of St. Mary, the whole crop arising from the seed which he had sown in the glebe-land shall be his property (i.e. *his heirs*), unless he farmed his tithes, in which case he shall have nothing.

Ibid. p. 587.—*Council of Oxford, under archbishop Langton,* A.D. 1222.

Cap. xv. That churches, the annual revenues of which do not exceed *five marks,* be only given to such clerks as will personally reside.

Cap. xvi. That perpetual vicars have at least *five marks* assigned them as a stipend; except in those parts of Wales in which, on account of the poverty of the churches, vicars are contented with less. And let the bishop of the diocese, after considering the value

of the living, decide whether the vicar or the parson, or both together, shall bear the charges of the church.

WILK. i. p. 609.—*Provincial council in Scotland*, A.D. 1225.

Cap. X. That the sum of *ten marks at the least* be assigned to every vicar, free from all charges, &c. if the revenues of the church will afford it.

Cap. XIII. That a mansion be built near every church, where the bishop or archdeacon may be received; and that they shall be built within a year from this time, at the expense of the parsons and vicars, according to the share which they have of the revenues. They shall however be kept in repair by the vicars, who are to have the use of them.

Note. In the constitutions of William de Bleys, A.D. 1229, c. 11, it is said, that "every annual chaplain shall have a competent maintenance, *to the value of three marks at the least*;"[q] and it therefore may appear difficult to understand why in Scotland *more than thrice that sum* should have been assigned as the *minimum* of the vicarial income: but in Ruding's *Annals of the Coinage* I find that the Scottish mark was not above one-eleventh part of the value of ours.

IBID. p. 651.—*Legatine constitutions of cardinal Otho*, A.D. 1237.

Cap. VIII. That churches shall never be farmed out to the laity, or even to clerks, for more than five years.

Cap. IX. It hath sometimes happened, that when a rich church became vacant, which (*a beneficed clerk*) desired to obtain, and yet dared not to receive as a rector, lest he should by law be deprived of the preferment which he already held, he cunningly procured that the church should be granted to him *in perpetual farm*, upon his paying a small (*annual*) stipend to another as rector, reserving to himself all the rest.

IBID. p. 681. *In the council of Wexford*, A.D. 1240, it was decreed, that tithes were to be paid from a servant's wages, after deducting all necessary expenses: also that at whatever part of the year rectors or vicars should die, the whole proceeds of their benefices for a year, counting from the day of their death, should be at their disposal (*by will*), subject only to debts and funeral expenses.

IBID. p. 698.—*Constitutions of Walter Gray, archbishop of York*, A.D. 1250.

It is our will that tithes of grain, fruit, &c., be paid entire, without deducting the expenses, and without any diminution.

Let the *seventh* lamb be given as tithe, (*if there should not be a greater number*); but let the rector, on receiving the seventh lamb, pay to his parishioner three halfpence. For any number under seven, let the sum of *six* halfpence be given as tithe.

Since many are found who are unwilling to pay tithes, we decree, that the parishioners be admonished thrice to pay their tithes faith-

[q] Wilk. i. 625.

fully to God and to the church, on pain of being suspended from entrance into the church: and if they desire a relaxation of the sentence, they are to be sent to the ordinary of the place, to be absolved, and fined. All rectors of churches, vicars, or annual chaplains, who, fearing man rather than God, demand not their tithes in the manner above stated, shall incur the penalty of suspension, until they pay to the archdeacon half a mark of silver for their disobedience.

Wilk. i. p. 713.—*Constitutions of Ægidius (Giles) de Bridport, bishop of Sarum*, A.D. 1256.

If any land uncultivated, which was formerly arable, shall be applied to pasturage, the parsons or vicars shall receive the tenth penny of the rent.

Where a man has the custody of sheep, although they should belong to several different persons, he shall nevertheless give us every tenth lamb.

The parishioners ought by rights to offer *four* times a-year; viz. at Christmas, Easter, on the day of the patron saint, and on the anniversary of the dedication. Also all landholders, at the time of their espousals, shall offer one halfpenny (*obolum*).

According to custom, every chaplain pays the archdeacon *twelve pence* on the anniversary of our Lord's nativity.

Concilia Magnæ Britanniæ, &c., Edit. Wilkins, Vol. ii.

Wilk. ii. 160.—*Synod of Exeter, under bishop Quivil*, A.D. 1287.

In *Cap.* liii. he complains that the owners of mills paid their tithes *every day*, in mere handsful of flour, to the great injury of the rectors, as they would not suffer them to have vessels at the mill to collect the tithe in: that others were in the habit of bringing the tithe of milk to the church in its natural state; and if they found no person to receive it, they contemptuously threw it down before the altar: and that landlords sometimes kept their tenants and dependents in such awe, that they were afraid to purchase the tithes from the rectors, who were consequently obliged to sell them for a mere trifle.

Cap. liv. That every adult, *i. e.* every person who exceeds the age of fourteen, shall go to his parish church with his oblations four times a-year: and whereas the church of Exeter is the mother church of all the churches in our diocese, we command all our parishioners, through their parish priests, that, in token of due subjection, they bring their oblations at Pentecost to the said (*cathedral*) church, or at least send them thither by their parish priests.

WILK. ii. p. 177.—*Constitutions of the diocese of Sodor*, A.D. 1291.

Cap. XV. That all in our diocese pay their tithes without any deduction, as it is commanded in the Old and *New* Testaments. . . Also, that where there are ten animals to be tithed, the owner may pick out two, and then the clergyman take his choice of all the rest.

Cap. XVI. XVIII. That the tithes of all fisheries, both in salt and fresh water, be paid entire. But if the fishermen belonging to one parish go to fish in another, or if they use a boat belonging to another parish, let the tithe be divided.

Cap. XIX. That weavers, who pay not tithes for other things, shall pay four-pence or five-pence; but if they gain more in proportion, let it be left to their conscience.

Cap. XX. That merchants, tradesmen, and labourers pay tithes of their profits; and that servants, who are hired by others, pay tithes of their wages.

Cap. XXIII. That each of the parishioners shall offer a halfpenny thrice a-year, viz. at Christmas, Easter, and Pentecost. Also that every person having a house and other goods, shall pay during Lent twopence-halfpenny towards the church lights. But if they sojourn in other houses, provided they have goods to the value of six shillings, let them pay two-pence.

IBID. p. 297.—*Constitutions of Henry Woodloke, bishop of Winchester*, A.D. 1308.

We command, that a certain portion of the revenues of non-resident incumbents be applied to the use of their needy parishioners; not less than a tithe of the tithes.

We will, that rectors and vicars be permitted to excommunicate or suspend those who withhold their tithes or oblations, after having given canonical warning three times.

IBID. p. 416.—*Constitution of Richard de Kellow, bishop of Durham*, A.D. 1312.

Cap. IV. Against those who prevented the clergy from collecting their tithes or carrying them: "And others, we grieve to say, scatter their tithes in pits (*foveis*), to be consumed by wild beasts, or throw them out; others also allot the tithes here and there through the sheaves; and others lay out their tithes in the fields, who used to carry them to the doors of the barns: all which we strictly forbid, on pain of excommunication."

IBID. p. 704.—*Constitution of archbishop Stratford*, A.D. 1342.

Cap. V. That tithes are due from *cæduous wood-land*, and from the wood lopped off from cæduous trees.

Note. Lindwood asserts that wood is *cæduous* if either it be kept on purpose to be felled, or grows again from its stump or root; and concludes that timber trees are titheable: this at least is evident, that it was not intended to signify *coppice*, or *underwood* only, by the expression

"*arbores cæduæ*." The clergy understood it as signifying *all felled wood;* for there was a complaint against them in parliament,[r] that tithe was demanded of trees of twenty years' growth, under the name of "*silva cædua*."[s]

Cap. VI. In many parts of our province there hath arisen a custom, or rather a vile corruption, that oblations made in churches, or in their porches, or in burial-grounds, at the altars, crosses, images, or relics there, are unlawfully seized by laymen, and applied to various uses at their discretion, under colour of a work, custom, or some other pretence.

Note. The *work* was probably the repair of the church, the purchase of ornaments, &c.

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WILK. iii. 25. *Constitution of archbishop Islip*, A.D. 1352, against a practice which then prevailed of giving the tenth sheaf to the reapers as an equivalent for their labour, and then paying tithes of the remainder; so that the clergy received an *eleventh* instead of a *tenth* of the produce.

IBID. p. 30. Another *constitution* of the same archbishop, A.D. 1353, to the effect that the stipends of chaplains should in no case exceed *seven* marks *per annum*, or about 93*l.* 6*s.* 8*d.* of our money.

IBID. p. 60.—*Constitution of Simon Langham, bishop of Ely*, A.D. 1364.

That no oblations shall be received from the laity after mass on Easter-day when they communicate, since it is a manifest proof of avarice. We have heard also, at which we are not a little grieved, that some priests extort money from the laity for administering penance, or the other sacraments; and that some, for the sake of filthy lucre, enjoin such penances as produce emolument, as *annuals*, (*and other celebrations of masses*): that a woman, after child-birth, who hath been known by her husband before her *purification*, must bring afterwards a (*second*) oblation to the altar, in company with some woman who is to be purified in the same parish: also that a murderer, or one who hath procured the death of another, shall make an offering for every person who dies in the same parish.

IBID. p. 67. *A constitution of Simon Langham, archbishop of Canterbury*, A.D. 1367, from which it appears, that in the city of London householders formerly paid to the parish priest a farthing for every ten shillings of their rent. Thus, a house which let for twenty shillings a-year was rated at a halfpenny; if it let for forty shillings a-year, at a penny; and so on in proportion.

[r] 45 Edward III. [s] Johnson.

WILK. iii. p. 90. *A royal statute in the Norman French*, A. D. 1371, against the practice of the clergy, who demanded tithes of old timber, of twenty or forty years' growth, under the name of "*silva cædua.*"

IBID. p. 101. There is a *commission of archbishop Simon de Sudbury*, A. D. 1375, of considerable value, as it enables us to estimate with a tolerable degree of accuracy the net produce of tithes in England at this period. The Pope had demanded from the English clergy a subsidy of *sixty thousand florens*, "which," says the archbishop, "amounts, at the very least, *to the half of a tenth*;" so that, according to this calculation, the tithes throughout England must have equalled about 1,200,000 florens annually; and the value of a floren having been about *six shillings* (according to Dr. Fleetwood), if reduced to our money, the result would be about £7,200,000 per annum. In the reign of Henry IV. A. D. 1412, it was estimated at £5,173,376, including 18,400 ploughs of land.[t] The total gross income of the benefices in England and Wales, according to the returns made in 1834, is £3,251,159: it must not, however, be forgotten, that a very large portion of the tithe was alienated from the church at the time of the Reformation, and of course is not included in the estimate. Perhaps we must also make some allowance in the archbishop's calculation for the difference between the real and nominal value of church property; as in levying the subsidies, they usually employed some estimate, (or *taxation*, as it was called,) made several years before. In the middle ages, mortuaries (and other oblations which have now no existence), were a fruitful source of emolument to the clergy; but they were then about *ten times* as numerous as they are at the present day, and therefore in many instances wretchedly provided for. In reducing the 1,200,000 florens to our present money, I have adopted the statement of Hallam, in his "*History of the Middle Ages*," where he says, "We may perhaps consider any given sum under Henry III. and Edward I. as equivalent, in general command over commodities, to about 24 or 25 times that nominal value at present; and 24 seems a sufficient multiple, when we would raise a sum mentioned by a writer under Edward I. to the same real value expressed in our present money. *In the reign of Edward III.* A. D. 1350, *the statute of labourers fixes the wages of reapers during harvest at three-pence a day without diet, equal to five shillings at present*,—or *twenty* times the original sum."[u]

IBID. p. 206.—*Mandate of archbishop Courtney respecting tithes*, A. D. 1389.

We command, that tithes be paid from pastures and meadows, whether they be common or enclosed, in this wise:—If the cattle which feed there be *unfruitful*, such as horses, colts, or bullocks, let a tithe in money be paid for every acre, according to its true value:

[t] Hume, iii. 69. [u] Hallam, ii. 518—523, ch. ix. part 2.

should they however be *fruitful*, such as cows, mares, or sheep, in this case, besides the tithes in young, wool, cheese, or milk, let threepence be paid to the church for every cow. Let *personal tithes* be exacted from artificers, whether they be shoe-makers, butchers, carpenters, &c., according to the amount of their wages; and let tithes be paid of all that the earth or the water nourishes, entire, and without any deduction of expenses,.....on pain of being suspended from entrance into the church, after three admonitions; and should they continue contumacious, let them be excommunicated, and absolved only by the archbishop.

WILK. iii. p. 219. *Constitution of archbishop Courtney*, A.D. 1393, to the effect, that calves, lambs, &c. should not be given as tithe till they had been weaned.

IBID. p. 567.—*Council of the province of Cashel, at Limerick*, A.D. 1453.

Can. 34. That physicians, *poets*, goldsmiths, carpenters, &c. are bound to pay tithes of all their lawful gains, the necessary expenses being first deducted

Can. 41. That a tenth part of *waste land* belongs to the parson, as well as of *arable land*.

Can. 63. That tithes of cheese and milk are not due at the same time; but when the cheese is made, the rector may choose whether he will have milk or cheese.

Can. 73. The council declares, that beneficed clerks shall pay tithes in the places where their benefices are situated; wanderers (*vagabundi*) in the place where they study; and householders in the place where they reside.

Can. 74. The council (further) declares that laymen cannot possess ecclesiastical revenues by hereditary right, although their ancestors may have possessed these revenues for four or more years.

Can. 98. That all pardoners (*quæstores*) shall pay tithes to the parish church where they reside, and from which they receive the sacraments, of all their gains (*arising from the sale of indulgences*).

Can. 120. That in the province of Cashel, as well as other parts of Ireland, the first-fruits of a benefice shall belong to the ordinary who hath collated it.

Some information respecting mortuaries, oblations, and other sources of ecclesiastical revenue will be found at the end of Chapter V. § 5. See also in the first section of this chapter, pp. 91, 92, 95, 98, 106, 115, and N., 116, 117, 120, &c., 122.

§ III.—CELIBACY OF THE CLERGY.

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WILKINS, CONCIL. I. 2.—*Canons of St. Patrick and other Irish bishops*, A.D. 456.

Can. 6. Should any clergyman, *from an ostiary to a priest*, appear without his tunic; if his hair should not be shaved according to the Roman method; *or if his wife should walk about with her head uncovered* (or unveiled), let such be both despised by the laity, and separated from the church.

Note. Saint Patrick himself was the son of Calphurnius a deacon, who was the son of Potitus a priest. See his own words in the "BOOK OF ARMAGH," published by Sir. W. Betham.

IBID. p. 103.—*Excerptions of Ecgbert, archbishop of York*, A.D. 750.

Ex. 31. That none of the clergy be allowed to have a sub-introduced woman.

Note. Martin of Braga understands by this, an *adopted* or *pretended sister*, or other relation. This is termed by Ecgbert a Nicene canon.

Ex. 32. The canons also teach, that if any man marry a widow or a divorced woman, or if he marry a second time, he shall never be made a deacon or a priest.

IBID. p. 133.—*Pœnitential of Ecgbert, archbishop of York*, A.D. 750.

B. iii. ch. 1. If a priest or deacon marry, let him lose his orders: and if they commit fornication after they are ordained, let them, *besides*, fast seven years, according to the directions of the bishop.

IBID. p. 214.—*Council of London, under king Edmond*, A.D. 944.

Cap. I. That persons in holy orders, who ought to be an example to the people of God, preserve their chastity: if not, let them lose their worldly possessions, and (*the privilege of being buried in*) a consecrated cemetery.

Cap. IV. If a man shall defile a nun, or commit adultery, let him not be considered worthy of a consecrated burying-place, unless he make the same compensation as for murder.

IBID. p. 219. *Laws of the Northumbrian priests*, A.D. 950.

Can. 35. If a priest shall desert his wife, and marry another, let him be anathema.

Note. Wilkins translates cwenan "*concubinam;*" Johnson has, however, shown that it had an honest signification among our forefathers, nay, that it was sometimes applied even to the queen herself.

IBID. p. 233.—*Archbishop Dunstan's Pœnitential*, A.D. 963.

Cap. XXXI. If a priest, monk, or deacon, had a lawful wife before his ordination, and hath dismissed her and taken orders, and afterwards hath often cohabited with her, let each of them fast *the same as for murder*, and vehemently lament it.

Wilk. i. p. 239. Edgar, in his charter called *Oswaldes-law*, A.D. 964, says, that by his authority Oswald, bishop of Worcester, "having banished the foolish songs and filthy obscenities of the (*secular*) clergy, gave their possessions to monks, the religious servants of God; which grant, made unto the monks, I confirm by my royal authority, and with the concurrence of my princes and nobles, so that from henceforward the (*secular*) clergy shall have no right or pretence to reclaim any thing from thence, because at the peril of their order they preferred continuing with their wives to (*the duty of*) serving God chastely and canonically.

Ibid. p. 250.—*The canons of Ælfric to Wulfinus a bishop*, A.D. 970.

Can. 1. I tell you, O priests, of a truth, what has been appointed concerning the priesthood. Christ himself established christianity and chastity; let all therefore who would walk in his way forsake the company of their wives, for he himself hath declared, that "*he who hateth not his wife is not worthy of me.*"

Can. 6. The priests of this age often say that Peter had a wife, and they say truly, for it was proper that he should under the old dispensation before he was converted to Christ, but when he became Christ's disciple he forsook his wife.

Can. 7. Under the old dispensation (priests) might lawfully have wives, since they neither celebrated mass, nor gave the housel to men, but sacrificed animals, till Christ before his passion instituted the mass.

Ibid. p. 268.—*Capitula made in king Æthelred's reign*, A.D. 994.

Cap. xii. It is not proper that any woman should dwell in the house with a priest; (*and*) although the canons allow this to a mother or a sister, and other (*relations*), whom we dare not suspect of any thing that is infamous, yet we prohibit all women (*from doing so*), because, although they may be relations, yet they have other maids who it is to be feared may entice the priest to sin.

Ibid. p. 286.—*Provisions of the wise men at Engsham* (*Oxfordshire*), *under Æthelred*, A.D. 1009.

Cap. i. We entreat and charge all God's servants, and especially priests, that they obey God, love chastity, and beware of the wrath of God; and let them know assuredly that they ought not to cohabit with a wife. But, what is still worse, some have two or more; and some, after dismissing (the wife) whom they formerly had, during her lifetime marry another, as it becomes not christians to do. Whosoever will live chastely, as an addition of worldly honour, let him enjoy the weregild and other rights of a thane, both during his lifetime and at his burial; and if any man will not act as becometh his order, let him be deprived of his dignity both before God and man.

Note. Cap. vi. of *king Canute's ecclesiastical laws*, A.D. 1033, is nearly the same.[v]

[v] Wilk. i. 301.

WILK. i. p. 365.—*Council of Winchester, under Lanfranc*, A.D. 1076.

Can. 15. Let clerks either live chastely, or desist from their office.

IBID. p. 367. In the council of Winchester, under Lanfranc, A.D. 1076, it was decreed, "that no canon regular (*canonicus*) shall have a wife: but priests who live in castles or in villages, who have wives, shall not be forced to dismiss them; if they have not, let them be forbidden to marry: and henceforth let bishops beware that they presume not to ordain any persons, either priests or deacons, till they have first professed that they have no wives."

Note. The following was the profession of chastity required at this period: "I brother N, in the presence of my lord bishop N, promise unto God and to all his saints, that I will preserve the chastity of my body, according to the canonical decrees, and the order which is about to be conferred upon me."[w] From the context of the extract preceding this note, it appears to me evident that Ailric, late bishop of Chichester, had been deposed on account of his being married. Agelmar, bishop of Elmham, just before the conquest, and brother to archbishop Stigand, was certainly a married prelate.[x]

IBID. p. 378.—*Letter of Pope Paschal II. to archbishop Anselm*, A.D. 1100.

We believe that your brotherhood is not ignorant what has been determined in the Roman church concerning the sons of *presbyters*. But *whereas in the kingdom of England their number is so great that almost the greater and better part of the clergy belong to this class*, we commit a dispensing power to your care.

IBID. p. 382.—*Council of London, under archbishop Anselm*, A.D. 1102.

Can. V. That no archdeacon, priest, or deacon, marry a wife, or retain her if he hath married her.

Can. VI. That a priest, while he unlawfully converses with a woman, may not celebrate mass.

Can. VII. That no man be ordained a subdeacon, or over, without a profession of chastity.

Can. VIII. That the sons of priests inherit not their fathers' churches.

Can. X. That priests go not to drinking-bouts, or drink to pegs.

Note. "Ad *pinnas* bibant." To check the vice of drunkenness, in the year 969, king Edgar "ordained certain cups, with pins or nails set in them; adding thereunto a law, that what person drank past the mark at one draught, should forfeit a certain penny, half to go to the informer, and the other to the ruler of the borough where the offence was committed."[y]

[w] Howel, p. 83.
[x] See Blomefield's History of Norfolk, vol. x. p. 386. edit. 8vo.
[y] Fox, i. 173. And see the article on PEG-TANKARDS, *Gent. Mag. Sept.* 1768.

Can. XXIX. Against a certain nameless crime, which it seems then prevailed among the clergy.

Note. So general was the abominable crime to which I allude at this period in England, that the following passage occurs in Anselm's letter, which immediately follows the synodical decrees, (p. 384): "It is also to be considered that this crime has been hitherto so general, that scarcely any one is ashamed of it; and therefore many being ignorant of its atrocity, have precipitated themselves into it. Those however who have polluted themselves with this crime since the excommunication has been published, ought to have a severer penance imposed upon them. Concerning archdeacons and canons who, having forsaken their wives, place them in separate houses upon their manors, I think that, till something else has been determined, it may be winked at (*tollerandum*) if they solemnly engage to have no intercourse with them. Concerning those presbyters who from fear dare not leave their wives, the decision of the council is to be enforced." Such were the deplorable consequences of the law of clerical celibacy! Howel (in his *Synopsis Conciliorum*, p. 87,) says, "Totus clerus Eboracensis nec uxores dimiserunt, nec castitatem professi sunt. Adactus ergo est Anselmus excommunicationem singulis dominicis diebus renovare in Sodomitas, et alios aliorum criminum conscios."

WILK. i. p. 387.—*Council of London, under archbishop Anselm,* A.D. 1108.

"*Many* presbyters, notwithstanding the decrees of the council of London, and the punishment which the king had inflicted upon them, retained their wives, or had since married."[z] At this council king Henry presided, and as many of his nobles took an active part in it, we are not to look upon it as an ecclesiastical synod. Many severe laws were enacted against the married clergy.

Can. I.—VIII. It is decreed, that archdeacons, priests, deacons, and subdeacons shall put away their women (*fœminas*), on pain of being deposed and thrust out of the choir.

Can. VIII. All archdeacons shall swear not to receive money for conniving at the transgression of this statute, and whatever archdeacon or (*rural*) dean shall refuse to swear this, let him be deposed from his office.

Can. IX. Those priests, however, who shall prefer to forsake the company of women, and to serve God and the holy altars, desisting from their office for forty days, shall procure vicars to act for them during the interim: a (further) penance being enjoined them at the discretion of the bishop.

Can. X. All the moveables of such presbyters, deacons, &c., as shall offend hereafter, shall be delivered to (*their*) bishops, and also the concubines, with their property, as adulteresses.

IBID. p. 408.—*Council at London,* A.D. 1126, *under John de Crema the legate.*

Can. 13. To presbyters, deacons, subdeacons, and canons, by our

[z] Eadmer.

apostolical authority we forbid the society of wives, concubines, and women of every description.

Note. Yet a few months after, when he was at Durham, this chaste legate was surprised in the act of fornication.[a] The above canon is nearly the same as the fifth canon of the council of Westminster, A. D. 1127.

WILK. i. p. 410.—In the *council of Westminster*, under archbishop William (*Corboyl*), A.D. 1127, canons 5, 6, 7, contain very severe enactments against married or concubinary priests, &c.

IBID. p. 411. Matthew Paris thus speaks of another *London council*, which he places in the year 1129: "There were present at this council, William archbishop of Canterbury, Thurstan archbishop of York, with their suffragans; all of whom king Henry deceived through the simplicity of the primate; for they granted to the king a jurisdiction over the concubines of priests, the consequences of which were very scandalous, for the king received an immense sum of money from priests to redeem their concubines" (*focariis*). In the *Saxon Chronicle*, it is said that the prelates unanimously agreed in this council, that such of the priesthood as refused to put away their wives by the festival of St. Andrew next ensuing, should be deprived of their benefices: "but the king gave them all permission to return home, and so they returned home, nor had all these decrees any forces; for all retained their wives as they had done before, *with the king's permission.*"

IBID. p. 415. *Legatine council of Westminster*, A.D. 1138, canon 8, against married and concubinary priests, that they presume not to celebrate mass, and that they be deprived of office and benefice.

IBID. p. 423. *A bull of Pope Lucius II.*, annulling those charters by which sons succeeded to the preferment held by their fathers, A.D. 1144. Yet Clement III., in 1189, allowed the *legitimate* sons of clerks to succeed their fathers.[b]

IBID. p. 548.—*Council of Dublin*, A.D. 1217.

Let the concubines of priests or clerks be compelled to do penance, and let not rectors commit their parishes to the care of notorious fornicators.

IBID. p. 573.—*Council of Durham, under Richard, bishop of Durham*, A.D. 1220.

That priests live honestly, and expel their concubines to a distance from their houses. If they persist, let them not only be deprived of their benefices, but deposed for ever. Let prelates also who presume to countenance them in their iniquities from avaricious motives, suffer the same punishment.

Note. Such was the state of clerical morality before the Reformation, that among the *Centum Gravamina* presented by the German princes to the Pope's legate at the diet of *Nuremberg*, A. D. 1522, there occurs the

[a] Wintoniensis apud Johnson.

[b] Decr. lib. i. Tit. xvii. cap. 12.

following: "GRAVAMEN XCI. Also in many places, bishops and their officials not only tolerate priests who keep concubines, provided a certain sum of money be paid, *but they even compel continent priests, and who live without concubines, to pay the concubinary tax;* asserting that the bishop is in want of money, and that when they have paid it, they may either remain in a state of celibacy, or keep concubines." [c]

And since a priest, when he commits sin, causes the people of God to offend, let him especially abstain from his spiritual daughter, from a woman who confesses to him, and from all to whom he hath dispensed the sacraments of the church.

WILK. i. p. 590.—*Council of Oxford, under archbishop Langton,* A.D. 1222.

Cap. XXVIII. That beneficed clerks, and those who are in holy orders, presume not to keep concubines *publicly in their houses, or where there is scandal to have public access to them.*

Note. Upon this Lindwood remarks, that priests keeping concubines *privately*, are here excused as to the punishment, but not as to the crime. [d]

IBID. p. 606. *A letter from Walter, archbishop of York,* A.D. 1225, to remove such clerks as had succeeded their fathers in their benefices.

IBID. p. 607. *A decree of Stephen, archbishop of Canterbury,* A.D. 1225, that "the concubines of clerks in holy orders shall not have christian burial. Also that they shall not be churched (*purificentur*) even if they desire it, unless they undertake to make satisfaction."

IBID. p. 609.—*Provincial council in Scotland,* A.D. 1225.

Can. XVIII. Against concubinary priests, who were evidently very numerous; for the words are, "*ad profugandum putridum illud cupidinis libidinosæ contagium, quo decor ecclesiæ turpiter maculatur..... nolentes ergo tantam ecclesiæ ignominiam prætерire,*" &c.[e]

Can. XXIII. That beneficed clerks hereafter presume not to buy houses or possessions in a lay fee, for the use of their concubines and children.

Can. LIII. If any priest shall commit fornication with his spiritual daughter, let him know that he is guilty of flagrant adultery. A bishop or a priest ought not to have connexion with the women who confess their sins to them; and if this should happen, which God forbid, let a bishop do penance for fifteen years, and a priest for twelve years; and let them be deposed, *if it come to the ears of the people.*

IBID. p. 627.—*Inquiries made in the diocese of Lincoln,* A.D. 1230.

In. 6. Whether any beneficed clerks in holy orders be married?

In. 7. Whether any clerks frequent the churches of nuns without a reasonable cause?

[c] Brown's Fasciculus Rerum, p. 354, &c. [d] In loco. [e] See also cap. lxii.

In. 20. Whether any rector or vicar be the son of the last incumbent?

WILK. i. p. 653.—*Legatine constitutions of cardinal Otho*, A.D. 1237.

Cap. XV. It has been made known to us, that *many*, unmindful of their salvation, having contracted marriages in a clandestine way, retain both their preferment and their wives; that they get new benefices, and are promoted to holy orders. Let such be altogether deprived of their benefices.

Cap. XVI. We decree also, that unless clerks, and especially those in holy orders, who publicly keep concubines, either in their own houses or elsewhere, shall remove them from thence within a month, they be suspended from their office and benefices.

Note. John Athone, a Roman Catholic annotator who flourished before the Reformation, states it as his opinion, that if a clerk kept such a woman *privately*, he would not be a transgressor of the constitution. In reply to the question, "If a clerk keep a concubine in public, so as never to have her for a whole month at once, but for a whole year at times, does he avoid the penalty of this constitution?" he declares in the affirmative that he does, and applies the old proverb, "*Si non castè tamen cautè*," a great demonstration of the looseness of the age, and especially of the canonists. [e]

IBID. p. 705.—*Constitutions of Walter, bishop of Durham*, A. D. 1255.

Let no beneficed clerk in holy orders marry a wife: if he should do so, let him be deprived of his benefice, and suspended from the execution of his office, unless in a case allowed by law.

That priests and rectors who commit fornication with their spiritual daughters, or who publicly keep concubines, shall be also suspended and deprived.

Note. Spiritual daughters, i. e. women whom they had baptized or shriven.

We strictly forbid clerks to frequent the monasteries of nuns without reasonable cause.

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WILK. ii. 5.—*Constitutions of Cardinal Othobon the legate*, A.D. 1268.

Cap. VIII. Unless clerks, and especially those in holy orders, who publicly keep concubines, in their own houses or elsewhere, dismiss them within a month, let them be suspended from office and benefice.

IBID. p. 40. A process instituted by archbishop Peckham, A. D. 1279, against a certain *bishop* (whom he does not name), for having five (*illegitimate*) children, A.D. 1279.

[e] Johnson.

WILK. ii. p. 60.—*Constitution of archbishop Peckham, at Lambeth,* A.D. 1281.

That the *sons of presbyters* shall not have churches committed to their charge in which their fathers have lately ministered.

IBID. p. 106. In a letter from archbishop Peckham to the bishop of St. David's, A.D. 1284, he says: "We decree, that in punishing the clergy for the vice of lust, the regulations of the holy fathers Otho and Othobon shall be observed." In the preceding page he had said to the bishop of St. Asaph, "And because it hath been of old notorious that your clergy have enormously and beyond measure been polluted with the vice of incontinence," &c.; from which it is evident that the morals of the Welsh clergy were at this period at a very low ebb.

IBID. p. 169.—*Constitution of Gilbert, bishop of Chichester,* A.D. 1289.

Cap. II.—IX. If any (*clerk*) accused of the vice of incontinence cannot canonically purge himself, let him be considered as convicted, and deprived of the fruits of his benefice. They however are to be more severely punished who have violated the chastity of their own spiritual daughters, whom they have baptized or (*even*) once confessed.

Cap. IV. Rectors who are not afraid to corrupt their own parishioners, ought to be degraded from their office, and after doing penance by pilgrimage for fifteen years, to pass the remainder of their lives in a monastery.

Note. This alludes to an unnatural offence, the words being "*propriis parochianos.*"

Cap. VI. The concubines of priests, or of others in holy orders, are to be excommunicated; and let rectors take care not to entrust their parishes to the charge of priests who are notorious fornicators, or convicted of incontinence, on pain of forfeiting forty shillings, to be applied to the structure of Chichester cathedral.

IBID. p. 176.—*Constitutions of the diocese of Sodor,* A.D. 1291.

Cap. VI. We strictly forbid the rectors of churches, vicars, priests, or clerks in holy orders, to keep concubines publicly or privately, from whence an evil suspicion may arise.

Note. The Latin word which I translate *concubines* is "*focarias,*" which I strongly suspect to be a term of reproach applied to the lawful wives of the clergy; for otherwise it would follow that inferior clerks or laymen might lawfully keep concubines. The marriage of priests was considered as a kind of adultery, and their wives therefore experienced both hard names and ill usage.

IBID. p. 502.—*Constitution of Richard, bishop of Ossory,* A.D. 1320.

Cap. VI. Whereas the filthy contagion of lust hath become so common among clerks and priests in these days, that neither the authority of the gospel, nor canonical severity, hath been hitherto able to extirpate it; since they still publicly retain their concubines,

to the danger of their own eternal damnation, the disgrace of the ecclesiastical order, and the pernicious example of the people; we decree that all the clergy of the diocese of Ossory, who keep concubines, shall put them away altogether within a month from this time, on pain of suspension from their office. And let them nevertheless lose a third part of the fruits of their benefices, to be disposed of at the discretion of the ordinary. Those however who continue disobedient after this punishment, shall be considered as incorrigible, and deprived of their benefices.

Concilia Magnæ Britannlæ, &c., Edit. Wilkins, Vol. III.

Wilk. iii. p. 59.—*Constitution of Simon Langham, bishop of Ely*, A.D. 1364.

Let all beneficed clerks and all in holy orders avoid the vice of luxury and all voluntary uncleanness of the flesh, and let none of them marry a wife; and if any man shall have married a wife before he received holy orders, let him not hold an ecclesiastical benefice, or exercise the ministerial functions: and let not clerks, without a reasonable cause, frequent the monasteries of nuns.

Wilk. iii. p. 277. *Mandate of the bishop of Exeter*, A.D. 1403. That no married persons, whether clerks in minor orders, or laymen, should exercise any ecclesiastical jurisdiction whatsoever, such as the power of excommunication, suspension, &c.

Ibid. p. 430, A.D. 1424, John Russel, a preaching friar and priest, was summoned before the convocation for having publicly preached, at Stamford on Corpus Christi day, that "a monk might lie with a woman without committing mortal sin;" which conclusion he caused to be affixed to the church-door.

Note. In page 364 of this volume, we find the university of Oxford complaining, that "whereas the carnal and lascivious lives of priests is at this time a scandal to the whole church, and whereas their public fornication passes altogether unpunished, unless perchance by some trifling and secret pecuniary penalty; it appears expedient, for the purifying of the church, that if a priest, of whatsoever order, is a public fornicator, he shall abstain from the celebration of mass during the time limited by law, and also publicly undergo corporal punishment." This was written A.D. 1414.

Ibid. p. 696.—*Proclamation of king Henry VIII.*, A.D. 1521.

The kynges majestie, understandyng that a fewe in numbre of this his realme, being priests, as well religious as other, have taken wives, and married themselves: his highness, in no wise mindyng that the generalitee of the clergie shoulde with the example of such a fewe numbre of light personns procecade to marriage without a common consent of his highness and his realme, doth therefore straightlye charge and commaunde, as well all and singular the said priests as have attempted mariages that be openly knawen, that thei, ne any of them shal minister any sacrament or other ministerie mystical, ne have any office, dignitee, cure, privilege, or profit belongyng

to the clergie of this realme; but shal be utterly after such mariages expelled and deprived from the same.

Note. In the course of this document he threatens also imprisonment to such priests as should hereafter marry.

Wilk. iii. p. 697. In the *convocation* the same year, the following proposition was propounded: "That all such canons, laws, decrees, usages, and customs, heretofore made, had, or used, that forbyd any person to contracte matrimonie, or condemne matrimonie by any person already contracted, for any vowe of priesthood, castitie, or widohood, shall from henceforth be utterly voyde and of none effect." "The *affirmantes* of this proposition (saith archbishop Parker) were almost treble as many as were the *negantes*."

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§ IV.—THE MONASTIC SYSTEM.

Concilia Magnæ Britanniæ, &c., Edit. Wilkins, Vol. I.

Wilkins' Concil. i. 3.—*Canons of St. Patrick Auxilius, &c. made in Ireland*, A.D. 456.

Can. 9. Let not a monk and a virgin dwell in one house, go in the same conveyance from one town to another, or earnestly converse together.

Ibid. p. 25–28, A.D. 601. According to Bede[f], in the synod of Worcester, when the Britons rejected his authority[g], "the man of God Augustin is said to have threatened the Britons prophetically, 'that if they would not receive terms of peace from their brethren, they must expect war from the enemy; and that if they would not preach the way of life to the English people, by their hands they should suffer the judgment of death." And it is stated, that in 611, (*i.e.* ten years after,) in the time of Lawrence, Augustin's successor, Ethilfrid, king of Northumbria, "*at the request of Adelberd, king of Kent* (Ethelbert), led a great army against the Britons, and slew twelve hundred of the monks of Bangor, only fifty of them escaping." It is to be feared that Augustin was in some degree instrumental to the accomplishment of his own prophecy. Concerning the celebrated monastery of Bangor, Nicholas Trivet tells us, that "it was divided into seven parts, in every one of which there were three hundred monks who lived by their labour." I subjoin the original as a curious specimen of the old Norman French: "*Donc puis que Seint Augustin estoit venuz, troua en Wales un Arcevesqe, e un abbeie tresnoble en la cite de Bangor, e estoit devisee en sept portions, e en chescune estoit treis cenz moines, q' vivoient de lur labour.*"

[f] Bede, ii. 2.

[g] See p. 20, &c.

WILK. p. 43.—*Council of Herudford* (Hartford) *convened by Theodore,* A.D. 673.

Can. 3. That no bishop be permitted to disturb monasteries consecrated to God, nor violently to deprive them of any of their property.

IBID. p. 48.—*Privileges granted by Pope Agatho to the monastery of Medehamsted* (now *Peterborough*), *from the Saxon Chronicle,* A.D. 680.

Cap. II. and III. That neither king, bishop, earl, or any one else, shall have any tax or tribute, or exact any military or other service from the abbey of Medehamstead. That the bishop of the diocese shall not dare to ordain, consecrate, or do any thing in the abbey, (unless at the request of the abbot,) or exact from it any episcopal or synodical fine or tax of any description.

Cap. IV. It is my will also that this abbot shall be esteemed legate of the see of Rome throughout the whole of England, and that whosoever *shall be elected abbot of that place by the monks,* shall be consecrated by the archbishop of Canterbury (*Cantwarbyrig*).

Cap. V. I will and confirm, that whosoever shall vow to make a pilgrimage to Rome, and he cannot fulfil his vow on account of ill health, &c., whether he be an Englishman or a native of any other island, may go to the monastery of Medehamstead, and enjoy the same remission from Christ, and St. Peter, and the abbot and monks, which he would have enjoyed if he had gone to Rome.

WILK. i. p. 80. In the *charter of Ina, king of the West Saxons, granted to Glastonbury abbey,* A.D. 725, he exempts it from all episcopal jurisdiction, as well as "from all regal exactions and services, such as (military) expeditions, and building of bridges or citadels; and also from the direction and interference of all archbishops and bishops." Large grants of land accompanied these extraordinary privileges. The bishop was to go with his clergy once a-year to *his mother church at Glastonbury,* and sing the litany there; the abbot *or* monks might permit any bishop who celebrated the canonical Easter, to officiate and administer the sacraments in the churches under their controul. The king, moreover, strictly forbids his subjects of every degree from entering the precincts of the abbey for the purpose of pleading, searching, plundering (*rapiendi*), commanding, or interdicting; "and whatever causes shall arise concerning murder, sacrilege, witchcraft, robbery, &c., concerning ecclesiastical discipline, *the ordination of clerks,* or synodal conventions, let them, without prejudice to any man, be defined by the judgment of the abbot and monks: and whosoever shall presume to violate this grant, let him know that, being eternally damned, he will perish in the ineffable torment of devouring flames."

Note. According to the monkish legend, a wicker church thatched with reeds was built at Glastonbury by *Joseph of Arimathæa,* and this

church was considered the most ancient, not only in England, but also in the world. Thus, A.D. 1162, Henry II., in a grant of his, calls it 'totius Angliæ, *et orbis Christiani antiquissimæ*." Concerning the *fable* of Joseph of Arimathæa, see *Malmsbury apud Spelm.* I. 4–11.

WILK. i. p. 83. Among the answers of Egbert, archbishop of York, and brother to Eadbyrht, king of Northumbria, we find the following, A.D. 734: "If any of the laity *who are known to preside over monasteries,* shall receive persons not belonging to them without letters dismissory, the person so offending shall forfeit ten *sicles*[h] to the king, ten to the bishop of the diocese, and ten to the abbot whose monk he hath received."

Q. 11. What do you say to this, that some persons having monasteries of their own, so unadvisedly dispose of them, that after their demise *two persons* preside over a monastery of the same sex?

IBID. p. 95. *Council of Cloves-hoo, convened by archbishop Cuthbert,* A.D. 747.

N. B. Some think the place to have been *Clift* in the hundred of *Hoo* in Kent; and others, Abington, Northamptonshire.

Can. 5. Strongly condemns the usurpation of monasteries by laymen, which then prevailed to a great extent.

Can. 20. Proves the monastic discipline at this time to have become very lax, as it forbids laymen to enter into the private rooms or cloisters of monasteries, "*lest they should see any thing indecent:* for this familiarity of laymen is both vicious and hurtful, and especially in the monasteries of nuns, *whose conversation is irregular;* for by this means not only causes of suspicion arise, but crimes are perpetrated, to the disgrace of our profession. Let not therefore the houses of nuns (*sanctimonialium*) be chambers of filthy conversation, junketting, drunkenness, and luxury, but the habitations of chaste and sober livers."

Can. 21. Let not monastics either indulge in the vice of drunkenness, or compel others to drink intemperately; and let them not, like tipplers, engage in drinking-bouts before the third hour of the day, called the canonical hour.

WILK. i. p. 105.—*Excerptions of Egbert, abp. of York,* A.D. 750.

Ex. 63. Let abbots, as becometh religious humility, continue under the power of (their) bishops; and if they in any way transgress their rule, let them be corrected by (their) bishops. Let monks be subject to their abbots; but if any one of them shall act contumaciously, wander about from place to place, *or presume to have any thing of his own,* let all that he hath acquired be taken away by the abbots, and let those who wander about be imprisoned as deserters.

Ex. 64. If any abbot be not humble, chaste, &c., let him be deposed by the bishop in whose territory he is, with the concurrence of the neighbouring abbots and others who fear God.

[h] The value of the *sicle* was about twopence.

Ex. 67. Theodore says, "Let not monks go from place to place, but let them continue in that obedience which they promised at their *conversion.*"

Ex. 68. Let the monk who violates his sacred rule, "Vel parvulorum incestuosè, aut adolescentium consectator," be publicly whipped; let him lose the crown which he bore upon his head (i.e. the *tonsure*), and being shorn bald, let him suffer the grossest insults; or, loaded with iron chains, let him pine in a dungeon.

Ex. 70. Let monks never take flesh meat at their meals, &c.

Ex. 94 and 95. *Infants* may be offered with the will and consent of their parents; and let the person thus placed in a monastery by his parents, know that he must remain there for ever.

Note. The child was brought to the church by his father, and it was a part of the ceremony to cover his hands with the altar pall. Sometimes children were thus offered in the very cradle. See Du Cange's Glossary, voce "*oblati*," and Bingham's Orig. Eccl. b. VII. c. iii. § 4, 5.

Ex. 110. Monks ought not to take food before the third sacred hour of the day, nor partake of a banquet: nor let clerks ever eat till they have first repeated a hymn; and afterwards let them give God thanks.

Note. Three o'clock having been anciently the *ninth* hour, was called the *nones;* whence the term *noon*, though now misapplied.

Ex. 120. Lawful matrimony may not be abrogated without the consent of both parties; one may however, with the advice of the bishop, permit the other to devote himself to the service of God (in a monastery). Some say that in that case, if they be young and cannot contain, the other party may engage in another marriage, which I praise not: but if one who is married wishes to engage in a monastic life, let him not be received unless his wife (*not only*) releases him (*from his conjugal vow*), but herself professes celibacy.

WILK. i. p. 147.—*Council of Cealchythe*, A.D. 785.

Can. 4. That bishops take care that their canons live in a canonical manner: and that monks and nuns live regularly, both as far as respects their food and attire; and let them use the habit which the oriental monks wear.

IBID. p. 169.—*Council of Cealchythe under Wulfred, archbishop of Canterbury*, A.D. 816.

Cap. V. That every bishop have the power of choosing an abbot or an abbess in his own diocese, with the consent and advice of the family.

Cap. VII. That neither bishops, abbots, nor abbesses, be allowed to grant any of the estates belonging to their churches, except for the space of one man's life, and that with the consent and permission of the family.

WILK. i. p. 176.—*Council of London*, A.D. 833, *from Ingulphus.*

Among other extraordinary privileges granted by Withlasius, king of Mercia, to the abbey of Crowland in Lincolnshire, he constituted an asylum there, "to which if any criminal should fly, let him be safe and enjoy the protection of the abbot and monks; and let no officer of the king dare to follow him, or in any way to violate the asylum, on pain of losing his right foot. The said fugitive shall also be allowed to fish in the five rivers which surround the said island (*of Crowland*), or to navigate them, and to work in any manner that he shall be ordered by his masters, without being in any way molested by my officers."

IBID. p. 181.—*Council of Kingsbury*, A.D. 851, *under Bertulf, king of Mercia.*

In the council of Bennington[i], "Askillus, monk of Crowland, made a grievous complaint of the injuries inflicted upon his monastery by the Danes; for which reason, at the council of Kingsbury, king Bertulph confirmed and augmented the privileges granted to that monastery by his brother Withlasius. If cattle belonging to the abbey should stray beyond the boundaries of the island of Crowland, criminals who had fled to the asylum were permitted to follow them, without being liable to be apprehended: and it was also granted to the brethren of this monastery, that whenever they went abroad upon any occasion, they might lawfully appoint the fugitive (*criminals*) whom they met in the course of their journey to be their servants, and that they should thus enjoy the same degree of safety throughout the entire kingdom as at the church of Crowland, upon pain of mutilation of the most precious limb (*membri magis dilecti*), should any one rashly violate these privileges."[k]

Note. Like most of the monastic charters, the above are suspected not to be genuine.

WILK. i. p. 192.—*Ecclesiastical laws of Alfred the Great*, A.D. 876.

Cap. VI. If a man shall take a nun out of the monastery *without the leave of the king or bishop*, let him pay one hundred and twenty shillings.

Note. See Edgar's law called *Oswaldes-law*, A.D. 964.[l]

IBID. p. 240, &c.—*King Edgar's charter granted to the monks of Hyde, in the neighbourhood of Winchester*, A.D. 966.

Cap. VIII., &c. He says that, "fearing lest he should incur eternal misery," he had expelled the vicious canons from the various monasteries throughout his dominions, and, at the suggestion of the Holy Spirit, had founded the monastery at Hyde. He says that "the enemies of these monks would hereafter have their portion with the traitor Judas, shivering with cold, parched with heat, bound with chains of fire," &c.; and, "for his own part," *charitably* "wishes that they

[i] In the same page. [k] Ingulph. [l] See p. 39.

may suffer the curse of Cain, and may be placed upon the left hand among the goats, to endure everlasting torments." These monks were to be free in every respect from all services, &c., except building bridges or citadels, and expeditions, commonly called "TRINODA NECESSITAS." They were to observe the Benedictine rule, and an abbot was always to be chosen from their own body.

Note. The Latin is a curious specimen of the false taste of the age: "Evacuatâ itaque polorum sede et eliminatâ tumidi fastûs spurcitiâ, summus totius bonitatis arbiter, lucidas cœlorum sedes non sine cultore passus torpere, hominem ex limo conditum vitæ spiraculo ad sui formavit similitudinem," &c. (cap. 2.)

WILK. i. p. 246. *In the speech of king Edgar*, A.D. 969, he says, talking of the secular clergy, "I omit that they have no open crown or convenient tonsure; but lasciviousness in their garments, insolence in their gait, filthiness in their conversation, betray the folly of their hearts. Besides, what negligence is there in (*the celebration of*) divine offices, as they scarcely deign to be present at the sacred vigils! and when they are celebrating the holy solemnities of the mass, they appear to have assembled together rather to play and to laugh than to sing psalms. Shall I say that the good lament, and the evil-minded ridicule, (*their conduct*)? Shall I say with grief, (if indeed it can be told,) how they abound in feasts, in drinking-bouts, and in every sort of uncleanness, even to overflow? so that already the houses of the clergy are considered as resorts of harlots, and the conventicles of buffoons. There they have dice, there they have dancing and singing till the middle of the night, with noisy mirth and abominable watchings. Thus the benefactions of kings, the alms of the poor, and, what is still more, the price of (*Christ's*) precious blood, is profligately squandered away. Was it for this that our ancestors exhausted their treasures?"

Note. That king Edgar was not the most proper person to make such a complaint, is clear from Wilk. i. 249, where we read—"*De Edgaro rege claustralem virginem comprimente; et de injunctâ illi a Dunstano septennali pœnitentiâ.*"

WILK. i. p. 258.—*The charter of king Edgar to Glastonbury abbey*, A.D. 971.

In the commencement he says: "Wherefore it appeared but just that the church of the most blessed mother of God and ever Virgin Mary at Glastonbury, as of old it hath obtained the chief dignity in my kingdom, so it should be specially honoured by us." He then proceeds to grant to the abbot and monks of the said monastery "the same power of acquitting or punishing in their court that I have in mine own throughout the entire realm of England. But if the abbot or any monk of that place shall, in the course of his journey, meet a robber who is led forth to be hanged, or to suffer any other kind of death, let him have the power of rescuing him from his imminent danger throughout the entire realm of England." More-

over the monastery was to be free from all episcopal jurisdiction except that their churches and chrism were to be consecrated by the bishop of Fountain, (*Fontenay* in France?) if the abbot chose. There is a salvo to the dignity of the holy Roman church, and also of the church of Dover.

Wilk. i. p. 282. In the *privilege of king Æthelred to the monastery of Christ's church, Canterbury*, A.D. 1003, he says, that "he had expelled the (*secular*) priests from Christ's churches throughout his dominions, on account of their notorious crimes, and placed monks there in their stead." In his charter, he makes the monastery free from all earthly obligations, with the exception of military expeditions, the building of bridges, and the repair of citadels. "But if any wicked man, through the instigation of the devil, shall violate this privilege, let him be the companion of the traitor Judas; and let him be eternally lacerated by the teeth of the infernal dogs, among the dreadful torments of hell, with all the devils." In the Latin copy of this charter (ibid. p. 285,) it is thus expressed: "And let him be eternally gnawed by the teeth of the infernal Cerberus, with all the devils in the Stygian lake."

Wilk. i. p. 286.—*Provisions of the Wise Men at Engsham (Oxfordshire), under Æthelred*, A.D. 1009.

Procemium. Let every monk who lives out of a monastery, and observes not his rule, return with all humility to his monastery; and let the monk who belongs to no monastery go to the bishop of the province, and bind himself before God and men to observe at least these three things, viz. 1. chastity; 2. the monastic habit; and 3. to serve the Lord to the best of his ability.

Ibid. p. 328.—*The Constitutions of Archbishop Lanfranc*, A.D. 1072.

[These constitutions give us a very great insight into the monastic discipline of the period. The beginning of this document consists entirely of ritual directions, relating to the mode of celebration at the great festivals, &c., some of which will be found in Chapter V. § 1, A.D. 1072: but we learn incidentally from them that monasteries at this period contained schools for the instruction of children, the discipline of which was very strict. My extracts begin at p. 332, and I shall number them for the convenience of reference.]

§ i. (p. 332.) On the first Monday in Lent, before the friars enter the chapter-room, the librarian ought to have all the books belonging to the chapter laid out upon a carpet (*tapetum*), with the exception of those which were given to be read on the preceding year, which every one ought to bring with him into the chapter. Then let the said librarian read briefly the manner in which the books were disposed of in the past year, and let every one, as he hears his name called over, restore the book which had been lent him to read: and let the brother who knows that he has not read the book which he received, in a kneeling posture confess his fault and entreat pardon. And then let the aforesaid

librarian deliver to each brother another book to read, registering their names accordingly.

§ ii. (p. 346.) Wherever the abbot may be sitting, let no man presume to sit in his presence, unless he shall command it, in which case (the person) is to prostrate himself before his knees and kiss them, and then with all humility sit beside him. Let whosoever shall either give any thing into his hand, or receive any thing from him, (*first*) kiss his hand. When he enters the refectory, let two brothers serve him with water and a clean towel. Whenever he is in the choir, let no one dare to correct the children, unless by his command. While he is sleeping in his bed in the morning, let no one dare to make a noise. When he is going anywhere out of the monastery for a season, and gives directions to the convent, let all who are in the chapter-room make an (*humble*) inclination, bending their knees before his footstool, in the same way as they salute a Pope or a king.

§ iii. (p. 346.) After the abbot, the prior has the greatest dignity among the ministers of God's house.

§ iv. (p. 347.) The *inspectors*, whom they call "*circas*," ought, according to the Benedictine rule, to go around the monastery at stated hours, and (*carefully*) to observe any oversight or neglect of which the brethren may have been guilty. After the three prayers which are said in the convent before the psalms, which are usually repeated previously to "*nocturns*," one of them, with a concealed light, ought to go around all the beds in the dormitory, and ascertain whether any of the brethren are sleeping there.

§ v. (p. 348.) The *præcentor* (*cantor*), whenever the abbot is in the monastery, ought not to be appointed upon *the tablet* (*non scribatur in tabulo*) to read or respond, that he may be instantly prepared to take the abbot's place when it is inconvenient to him to read or to chant. When the abbot is abroad, let the *præcentor* be appointed to read and respond in his place. When any one is to sing or read anything in the monastery, he ought to be first instructed by the præcentor. Whenever the *censer* is brought, let it be first offered to the præcentor; unless a bishop, or the abbot, or the major prior, or the celebrating priest (*qui tenet ordinem*), should be among them. Let him have the entire direction of the choral service; the regulation of the hours; the care of those briefs which are usually sent abroad for deceased brethren; and also the custody of all the books belonging to the monastery, if his knowledge be sufficient.

§ vi. (p. 348.) To the sexton (*sacrist*) belongs the custody of all the ornaments and vestments belonging to the monastery; and also the care of making the hosts (*or wafers used in the eucharist*). There were often several *sacrists*.

Note. The directions for making *hosts* will appear in Chapter IV. ad an. 1072.

§ vii. (p. 349.) It is the chamberlain's or treasurer's (*camerarii*) duty to provide all the clothing, shoes, and other necessaries for the

brethren. Let him also cause the straw (*fœnum*) in all the beds to be renewed once a-year.

§ viii. (p. 349.) The butler (*cellerarius*) is to provide the food and drink of every description which may be necessary for the brethren.

§ ix. (p. 349.) Let the brother who is appointed to receive guests, have beds, seats, tables, bread, liquor, and other descriptions of food, ready prepared in the *guest-house* (*hospitum domo*).

§ x. (p. 350.) Let the almoner (*eleemosynarius*) make diligent inquiry respecting sick and infirm people who have none to relieve them. When he goes to visit the sick, let him have two servants with him; and before he enters a house, let him cause all the women who are in it to go out.

§ xi. (p. 350.) Let the brother to whom the care of the hospital is entrusted, have a separate kitchen and a cook. Every day after *complin*, let him sprinkle holy water over all the beds of the sick. When he perceives that a sick person is near his end, it is his duty to cause his servants to have hot water in readiness to wash the body. To him belongs the custody of the bier, as also the care of supplying a *table* (*cura de administrandâ tabulâ*) when the corpse has been washed; which (*table*) the prior, according to custom, is to strike once.

§ xii. (p. 351.) On the day that the brethren are to be shaved, let the bell be rung earlier than usual, at the *first* or *third* (*canonical*) hour. Let no monk be shaved in his *cowl* (*cucullâ*), but with his *frock* on, and his *cowl* folded up beside him; and let the person who shaves him be without his frock. Youths under guardianship ought to shave their guardians, and the guardians those youths.

§ xiii. (p. 352.) On those days in which the canonical hours are usually said upon forms (*super formas*), if monks should be riding on horse-back (*at the time*), let them dismount; and having entreated pardon, let them remove the gloves from their hands, and uncover their heads (*capitia auferant*), and then mounting their horses, let them finish *the hour*. But if in the course of their psalmody it should be necessary for them to say any thing, after they have spoken let them again begin the hour from the commencement. Wherever a monk spends the night, let a light burn before him, (*to enable him to repeat the canonical hours*).

§ xiv. (p. 352, &c.) As a punishment for a small fault, let a brother be separated from the common table, but have the same food allowed him as the other brethren; but for a great fault, let him endure severe bodily correction, in the presence of the abbot and his brethren; then let him clothe himself, and, giving up his knife, cover his head with his hood, and in solemn silence follow the monk who keeps the key of (*the dungeon*). When the bell is rung for any of the canonical hours, let him be brought by his keeper to the door of the monastery, and there let him lie prostrate, till all the monks have entered. When the abbot passes, let him prostrate himself and humbly implore pardon: when the *hours* are concluded, let him

cover his head and throw himself at the feet of those who go out of the church, till all have passed, and then let him return with his keeper to the place from whence he was taken. On the days appointed by the abbot, his keeper is to lead him to the chapter-room, there humbly and patiently to endure bodily correction.

§ xv. (p. 355.) Let a boy who is offered (*as a monk*), after first receiving the tonsure, holding the host and a chalice with wine in his hands, after the gospel has been read, be offered by his parents to the priest who celebrates mass: which oblation being received by the priest, let the said parents fold the hands of the boy in the pall with which the altar is covered, and then let the abbot receive him.

Note. According to Ingulphus, "*De Privr. Eccl. Croylandiæ*," every monk of fifty years old was called a *sempecta*, and had a private apartment assigned to him, with a clerk or servant (*garsione*) to wait upon him. And the prior was every day to appoint one of the brethren as a guest to each *sempecta*: for they had their meals privately.[m]

Wilk. i. p. 362. About the time of the Conquest, many virgins and matrons entered monasteries, and took the veil, to protect themselves from the lust of the Norman invaders. It was therefore deliberated, whether they might lawfully, after taking such a step, return to the world and marry; and in a council held under archbishop Lanfranc, A.D. 1075, it was determined that they ought to be allowed to do so.

Ibid. p. 363.—*In the council of London*, A.D. 1075, *under archbishop Lanfranc.*

If any (*monk*) shall be discovered to have had any private property without a license, and he hath not resigned it before his death, let not the bells be tolled for him, nor the salutary victim be offered for his repose; and let him not be buried in consecrated ground.

Ibid. p. 485. According to Roger Hoveden, in the year 1177, king Henry II. "having expelled the nuns from the abbey of Ambresberry, on account of their incontinency, and distributed them through other religious houses, to be kept more strictly, gave the abbey of Ambresberry to the abbess and convent of Fonteverard, as a perpetual possession."

Ibid. p. 591.—*Council of Oxford*, A.D. 1222, *under archbp. Langton.*

Cap. xxxiii. That abbots change their chaplains every year; so that if any scandal should arise concerning the (*purity of*) their lives, they may have many witnesses of their innocence.

Cap. xxxiv. That the prelates of religious houses sell not or grant *corrodies* or stipends to clerks or laics, either for life or for

[m] Quarterly Review, June 1826, p. 292.

a term of years, unless urgent necessity should require it, and the bishop should consent.

Note. *Corrodies* were rations of meat, sums of money, &c., delivered either daily or at stated intervals.

Cap. XXXV. That no one hereafter shall presume to extort money or any thing else for receiving a person into a religious house; and if from the poverty of the house the person should be obliged to clothe himself, let not any thing be exacted beyond the just price upon such a pretence.

Cap. XLI. That monks, or canons regular, or nuns, sleep in one dormitory, but in separate beds; let them also eat in the same refectory; and when new clothes are delivered to them, let the old ones be taken from them to be applied to the use of the poor.

Cap. XLII. Let not persons be admitted as monks who are under eighteen years, unless circumstances should render it advisable.

Cap. XLVI. Let no monk presume to make a will, since he has no property of his own which he can transfer to another.

Note. For the mode of appointing an exempt abbot, A. D. 1235, see *Wilk.* i. 631.

WILK. i. p. 653.—*Legatine constitutions of cardinal Otho*, A.D. 1237.

Cap. XIX. We have been rejoiced to hear, that the pious abbots of the order of St. Benedict have, in their general chapter, decreed, that, according to the rules of St. Benedict, (*the monks*) shall from henceforward abstain (*altogether*) from eating flesh, except the weak and infirm. We add also, that after novices have passed the year of probation in the monastic habit, they shall be compelled by canonical censure to make profession.

IBID. p. 685. In the year 1244, "there came to the synod of the bishop of Rochester, certain men of a new religious (*order*), called THE BRETHREN OF THE CROSS (*fratres cruciferi*), because they carried crosses upon (*their*) sticks, and demanded that a habitation should be assigned them, showing that an unheard-of privilege had been granted to them by our lord the Pope, viz. that no person should reprehend their order, or exercise any jurisdiction over them: there was also granted to them a power of excommunicating such (*as should*) oppose them, to the astonishment of all wise and discreet men."[n]

IBID. p. 692.—*Constitutions of Richard, bishop of Chichester*, A.D. 1246.

Let no person be admitted to *profession* (*in a monastery*) till he has completed his twentieth year, or to his *novitiate* before he is nineteen.

IBID. p. 699. *A bull from Pope Innocent IV.* to Robert, bishop of Lincoln, empowering him to appoint or augment vicarages in those parishes where the great tithes had been granted to monasteries, A.D. 1250.

[n] Matth. Paris.

WILK. i. p. 754.—*Constitutions of Boniface, archbishop of Canterbury,* A.D. 1261.

That no religious, to whatever order they may belong, be executors of wills, unless with the licence of the ordinaries.

IBID. p. 762. *A bull granted by Pope Clement IV. to the Franciscans* (*fratres minores*), A.D. 1265, that none of the other mendicant orders, such as the Carmelites, Hermits, Augustinians, order of St. Clair, &c., should build within a certain distance of their conventual establishments, (infra spatium 300 *cannarum* à vestris ecclesiis, mensurandarum per acram).

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WILK. ii. 17.—*Legatine constitutions of cardinal Othobon,* A.D. 1268.

Cap. XLVII. That when the abbot or the prior wishes to entertain any (*of the monks*) in his private apartment, their number be so restricted that at least two-thirds of the brethren may remain in the refectory; and that he vary his invitations so as to show no partiality.

Cap. XLIX. That in every monastery, and especially those which are (*attached to*) cathedral churches, the ancient number of monks shall be adhered to.

Cap. LII. That nuns attend not (*religious*) processions out of their monasteries.

Cap. LIII. That abbots or priors inquire at least once a-month of those appointed to hear confessions, what monks have been shriven, that so they may be able to reprove severely those who confess not frequently.

WILK. ii. p. 38.—*Monastic regulations of archbishop Peckham,* A.D. 1279.

Although a nun may be allowed to converse (*with secular persons*) where there is reasonable cause, let it be always in the presence of two other nuns; and let her on no account pass through the *door of the parlour* (*locutorii januam*).

With regard to the confessions (*of nuns*), we ordain that they be made only in a public place before the altar, open (*to the view*) of all who pass by; and let not absolution be considered as valid which is given otherwise. Let the confessors be the person who is *master* for the time being, and the principal chaplain, *unless some suspicion should prevent it.*

Note. How necessary such regulations as these were, appears from the character given by *Clemangis*, (a French divine of the 15th century,) of nunneries in his day: "Quid aliud sunt hoc tempore puellarum monasteria, nisi quædam, non dico Dei sanctuaria, sed Veneris execranda prostibula? ut idem sit hodie puellam velare, quod et publice ad scortandum exponere."[o]

[o] Prynne's Records, ii. 229.

Wilk. ii. p. 58.—*Archbp. Peckham's constitutions at Lambeth*, A.D. 1281.

So much hath the enormity of detestable lust prevailed, that some, paying no regard to those canons made to secure the chastity of nuns, are not afraid to commit sacrilegious incest with them; desiring to remedy which horrible crime, we place all the perpetrators of this filthiness, whether they be clergy or laity, under a sentence of the greater excommunication.

Also some nuns are so far deceived, that, after they have lived above a year a monastic life among the nuns, they think that they are not professed, and that they may lawfully return to the world. We however, by the authority of the present council, declare that they are to be considered as *ipso facto professed*, after they have for more than a year led a regular life in a convent, of their own free will, so that they shall by no means be permitted to return to the world.

Here p. 63. *A letter from archbishop Peckham to the bishop of London*, A.D. 1281, commanding him to sequestrate the churches belonging to some exempt monasteries, the abbots of which had refused to appear at the council of Lambeth; and also to suspend the offenders from entrance into the church.

Here p. 120. *A letter of archbishop Peckham*, (who had been himself a friar,) in which he bitterly complains of the errors and insubordination of the Franciscan friars, who, presuming upon their exemption from episcopal jurisdiction, set his injunctions at defiance. He compares them to Corah and his company. A.D. 1285.

Here p. 108. A letter written by archbishop Peckham in favour of the Franciscan friars (*pro fratribus minoribus*), A.D. 1287, in which he says—"We have heard that, through the instigation of the devil, some (*quidam*) in your deanery have presumed to assert, that our beloved sons the Minorite friars, by hearing confessions, seduce souls, and that they have not the power to bind or loose without the licence of the parish priests. And whereas it is clear to us, from the privileges of many supreme pontiffs, that the said friars have authority to hear the confessions of any of the faithful (*without distinction*), and to absolve them, without requesting permission from the priest of the parish, and even in the teeth of his prohibition, (since they undoubtedly have permission from his superior); we strictly enjoin you, throughout your several deaneries, to cause public notice to be given that the said friars have full authority to hear the confessions of the faithful and to absolve them, notwithstanding the opposition of the parochial clergy; nay, that they have greater authority in this respect than the said ignorant priests (*simplices sacerdotes*), since episcopal cases, reserved to the jurisdiction of bishops, are commonly entrusted by bishops who fear God to the friars, and not to priests, who have not sufficient knowledge to direct others. Admonish them also that, unless they speedily renounce their pestiferous opinion, a severer punishment will be inflicted to repress the insolence of such as presume (*to act thus*).

Moreover, you are to inform us by letter, before the octaves of next Easter, what you have done in this behalf; and also to send us the names of those who have forbidden their parishioners to go to the said friars to confess, and receive absolution."

Note. The zeal of this worthy archbishop will be easily explained if we recollect that he had been himself a friar. A clergyman of the present day may best conceive how intolerable this interference of the friars must have been, by imagining the itinerant preachers who travel about, weaning the affections of the parishioners from their pastors, to do so by ecclesiastical authority. Like the "*wandering stars*" to whom I allude, the friar believed that the whole world was his parish, and therefore scrupled not to elbow the rector from his own pulpit, and receive the confessions of his flock. Nor did they stop here, for according to Matthew Paris, "they demanded to be received as the angels of God: they saucily and impudently proclaimed the parochial clergy to be *blind leaders of the blind;* and said to the people, '*Come to us, who are able to distinguish leprosy from leprosy; to whom the most arduous difficulties and the secrets of God have been revealed.*' Hence the people lost all due respect to their proper pastors, and going to one of these rambling friars, whom perhaps they might never see more, confessed all without shame or blushing, by which means sin more copiously abounded." According to the same author, they called the parochial clergy "*idiots, dunces, and drunkards:*" and Petrus de Vineis, who flourished in the 13th century, makes mention of a grievous complaint of the clergy against the friars, viz. that "by their means they were brought into the greatest contempt, to the general scandal of religion; they expressed the most bitter hatred against them imaginable, reproaching their lives, and lessening their dues; so that they were brought to nothing by it, and they were made a laughing-stock to all people."[p] Nor had the clergy any remedy, as the friars had been exempted from episcopal authority by the bulls of several popes, viz. Gregory IX., Alexander IV., Boniface VIII., &c.

WILK. ii. p. 228. *A letter of archbishop Winchelsey,* A.D. 1297, to restrain the excesses of which the friars were guilty, especially their presumption in absolving persons who ought by the ecclesiastical law to have been reserved to the bishop's jurisdiction.

IBID. p. 244.—*Statutes of Robert de Winchelsey, archbishop of Canterbury,* A.D. 1298.

Cap. III. and IV. We learn that the monks of Canterbury were usually punished by making them dine for several days on one kind of fish; or on bread and pottage, and one mess of meat (*ferculo*); or by being enjoined silence for a stated period.

Cap. V. Directs that no broken meat, &c. should be wasted, but that all the fragments should be carefully collected and given to the poor.

Cap. VI. Also that in the *dormitory* a light shall be constantly kept burning in three places; and also that two persons keep watch in the *dormitory,* viz. one till midnight, and the other after, con-

[p] Epist. lib i. ep. 37, ap. Stillingfleet.

stantly keeping awake: and also three in the church, viz. two till matins, and one after.

Cap. VII. Forbids spitting or any kind of nastiness in the lavatories: also that monks should eat flesh meat before seculars, except in some places specified, one of which is called the "*deportum*:" also it is provided, that when the monks dined with the prior they should have only the same number of eggs as they would have had in the refectory. From some words which occur in the latter part of the chapter, viz. "*quod deportum suum recipiant si voluerint in septimanâ sequente,*" it appears to me to have been some kind of relaxation in food, &c., to which the monks were all entitled in turn, about once a-week.

Cap. VIII. That monks shall commit the rules of their order to memory.

Cap. XII. The archbishop laments their slackness in exercising hospitality, and directs them to entertain strangers, with their servants and horses, for one day.

Cap. XIII. And elsewhere, some rules not very complimentary to the chastity of the monks.

WILK. ii. p. 257. In a *provincial synod at Canterbury*, A.D. 1300, "It was agreed that the statute which had been re-enacted during Lent last past, relative to the admission of the *preaching friars* and *Minorites* to preach and hear confessions, should be observed in all particulars, as specified by Reginald of St. Alban's, who was then present at the court of Rome; and especially that friars shall not be admitted by prelates to hear confessions, unless they come to them in person, and (*at that time are actually*) dwelling in their respective dioceses; and that their examination as to their fitness shall belong to the bishops." Accordingly we are presented in the same page with a license granted by the archbishop of Canterbury to six friars to hear confessions in his *diocese*, "until we shall think proper to determine otherwise."

IBID. p. 259. *Letter from archbishop Winchelsey to one of the cardinals*, A.D. 1300, complaining of the unwarrantable conduct of the abbot and monks of *St. Augustin's*, Canterbury, who, presuming upon their privileges of exemption, encroached upon his jurisdiction so much that they had withdrawn *forty-four* parish churches from his obedience.

IBID. p. 320.—*Gravamina presented by the clergy to the parliament* A.D. 1309.

Item. That nuns who are *bonâ-fide* professed, damnably leaving their monasteries, adopt the secular habit, and, notwithstanding the objections which are made on account of their profession, are allowed to sue for their inheritance in the king's court, although they cannot lawfully have any property of their own.

To this the king replied, that the exception should be admitted, and the case reserved for the jurisdiction of the bishop.

WILK. ii. p. 423.—*Constitution of William Grenefeld, archbishop of York,* A.D. 1312.

Certain persons in a religious habit have entered our province as mendicant friars, (concerning whose orders, &c. we have no certainty) asserting that they are friars of the order of *Cross-bearers,* although it is not clear to us that such an order hath been approved by the apostolic see. These persons, without our license and consent or that of our predecessors, have presumed publicly and solemnly to celebrate mass and other divine offices in the parish of Kildale, viz. in the park of the Lord Arnald de Percy, in oratories, and unconsecrated places; wherefore the archbishop of York places that parish under an ecclesiastical interdict, until it shall be removed by the Pope.

IBID. p. 521. A petition from the prior of Christ's church, Canterbury, to archbishop Walter, A.D. 1324, entreating him to mitigate the penance which he had imposed on some of the monks at his visitation. Four of them he had condemned to solitary confinement, and three of them had been directed to fast on bread and water every Friday.

IBID. p. 589.—*Constitutions of Pope Benedict XII. to be observed by the order of Black Monks,* A.D. 1337.

Cap. II. That a provincial chapter of the order shall be held by all the abbots, &c. every three years.

Cap. III. That the visitors appointed by the said chapter shall not continue at any monastery which they visit for more than two days, and that they shall not presume to receive procurations in money over and above their entertainment.

Cap. VII. That in all cathedrals, monasteries, priories, &c., whose revenues are equal to the expense, there shall be a master to teach the monks grammar, logic, and philosophy; which master (if he belong not to the order) shall receive, over and above his board, an annual pension, not exceeding twenty small pounds of Turin; but if he be a monk, it shall not exceed ten small Turin pounds, to enable him to purchase books.

Note. Four *turons* or *Turin pounds* were equal to one *English pound.*

Cap. VIII. That for every twenty monks, one, who is apt to learn, shall be sent to the university (*ad generalia seu solennia studia*), that he may more largely reap the fruits of science; which monk shall be provided with an annual pension.

Cap. IX. A master of theology, reading at the university, shall have a pension of sixty small Turin pounds; a bachelor or scholar of theology, forty; a doctor of canon law, fifty; and a bachelor or scholar of the same faculty, thirty-five. We also decree that all monks who shall have studied theology exclusively for six years in the university of Paris, or any other, and are likewise instructed in logic, grammar, and philosophy, may pass through the usual course

of instruction in the holy scriptures; and also that those who have studied theology exclusively for eight years, may then read the "*Book of the Sentences.*"

Cap. XXV. That no monk shall presume to go out of the convent without the express license of his superior; and if he should do so, he shall be publicly stripped of his frock, and scourged in the chapter-room in the presence of all his brethren.

Cap. XXVII. We decree and ordain, that on every Wednesday and Saturday throughout the year, also from the first Sunday in Advent till Christmas-day, and from Septuagesima till Easter-day, all the regular monks of the same order shall abstain altogether from eating meat: and when, at other times of the year, several of the brethren are eating flesh in the infirmatory, let a versicle and prayer be said before meat, and afterwards a hymn and a versicle; and let continual silence be observed during meal time, and let something which may edify the hearers be constantly read there, as it is in the refectory.

Cap. XXVIII. Let such monks as are in priest's orders celebrate mass at least once a-week; and let those who are not in holy orders confess at least once a-week, and receive the eucharist at least once a-month.

Cap. XXX. That no person shall be a dean or prior unless he be in priest's orders, and hath attained his twenty-fifth year.

Cap. XXXII. That those monks who obtain benefices in other monasteries, shall be obliged either to resign them, or to become members of those monasteries from which they have received the preferment.

Cap. XXXIII. That monks appointed by papal provision, shall be obedient to their superiors like the rest of the brethren.

Cap. XXXV. We decree, that when any monastery of this order shall become lax in the observance of the rule, monks taken from other convents shall be placed there by apostolic authority, to reform the abuses; and that those monks who have been most irregular shall be drafted into other convents.

Cap. XXXIX. We decree, that no monk shall be allowed to bring an accusation against his superior, until he hath first bound himself to submit to a proper punishment if he shall fail in the proof of the charge.

WILK. ii. p. 716. *A bull of pope Clement VI.* repealing some of the statutes enacted by his predecessor Benedict XII. to be observed by the Benedictine or black monks, several of them having been found too severe. A.D. 1343.

IBID. p. 719.—*Regulations of the Benedictine order, agreed upon in their provincial chapter,* A.D. 1343.

Cap. II. That in every priory in which the number of monks is more than thirty, a *fourth* prior shall be appointed; and that in abbies which have the same number of monks, there shall be at the least three priors.

Cap. III. Relates to *obedientiaries*, or monks who held offices in the convent, or who superintended the farms which belonged to it.

Cap. IV. Whosoever shall murmur at the decision of the chapter, shall, upon that day and the following, fast upon bread and water. Also, if any monk shall without reasonable cause appeal against the decision of his conventual chapter, and the appeal shall be pronounced frivolous, let him lose his voice in the chapter for a whole year, and for a month let him be placed beneath all the brethren. We also decree, that if a monk shall impudently complain to any of his brethren against the decision of the chapter, upon conviction he shall be flogged three days in the chapter, and occupy the lowest place in the choir and elsewhere for the space of a month. If afterwards he should be guilty of the same offence, let him for six successive days eat bread and drink water, *sitting upon the ground*, with a single mess of pottage (*uno pulmento*), and for three successive days let him be publicly flogged in the chapter-room.

Cap. VI. That in every monastery there shall be a prison for the punishment of those who have been guilty of enormous crimes.

Cap. VII. That such monks as have not confessed before Easter shall be obliged *to continue the Lenten fast* at the discretion of their superiors.

Cap. IX. Because some monks, from being permitted to speak English freely during dinner and at other times, become too loquacious; and when they are sent abroad upon the business of the convent, are frequently put to the blush on account of their ignorance of the Latin and French languages; we decree that the monks of our order shall speak French or Latin during their meals in the chapter-room, and also in the cloister, &c., on pain of suspension from the use of meat for two days.

Cap. XI. Pope Benedict XII. forbade cells to be in the dormitory: to which we add, that all curtains or coverings of every description being removed, the beds of the monks be so arranged that those who are in or near them may be seen, both day and night, by the guardians of the order, and by all who pass by them.

Cap. XIV. That during their leisure hours the monks shall be employed in study, or in writing, correcting, illuminating, or binding books. Also that no person shall write a book without the permission of his superior.

Cap. XV. That those whose presume to contend with their superiors shall be sharply rebuked, and also scourged, and condemned to fast; and that incorrigible monks shall be sent for punishment to another convent, with a letter explaining the nature of their offence, and sealed with the conventual seal. The monastery to which they are sent shall be bound to supply them with food to the value of twopence a-day.

WILK. ii. p. 732.—*Regulations agreed upon by the Benedictines*, A.D. 1346

Cap. II. That a proctor to manage the affairs of the order shall be constantly maintained at the court of Rome.

Cap. III. That the priors of the cloisters shall be appointed or removed at the discretion of the abbots.

WILK. ii. p. 747.—*Synod of Dublin*, A.D. 1348.

Cap. IV. Against the practice of those monks who persuaded people to be buried in their convents instead of in their parish churches, and who heard confessions, celebrated matrimony, and administered the eucharist to the people, without the permission of their parish priest.

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WILK. iii. 64. *Mandate of Simon Langham, archbishop of Canterbury*, against the mendicant friars who without the permission of the parochial clergy presumed to preach the word, hear confessions, and impose penances, even in cases which the canon law reserved to the jurisdiction of the bishop. They were in future to be prevented from doing so, unless they could exhibit a special privilege of the apostolic see. A.D. 1366.

IBID. p. 84. *A bull of pope Urban V.* A.D. 1369, to restrain the insolence of the knights-hospitalers of St. John of Jerusalem, who used to levy contributions in behalf of their order throughout England; refusing to show to the parochial clergy any letters either of the pope or the diocesan authorising them to do so.

IBID. p. 110.—*Visitation of the priory of St. Gregory, Canterbury, by archbishop Sudbury*, A.D. 1376.

In the visitation of Simon de Islip, of good memory, it was ordained, that every canon who was ill should receive in the infirmary every day, besides other common necessaries, one penny as a pittance (*pro pitantiâ*).

IBID. p. 142. From a dispensation of the archbishop of Canterbury, A.D. 1379, we learn that, by special privilege of the Pope, the abbot of Malmsbury, and the abbots of other exempt monasteries, might wear the mitre, ring, sandals, gloves, dalmatic, tunic, and other episcopal vestments; they might also give a solemn benediction at the conclusion of the mass, and even confer the *first tonsure*. From the same document we learn that the annual revenues of the abbey of Malmsbury amounted to six thousand florens of gold, equal to about £36,000 of our money.

Note. In page 201 of the same volume, it is provided by the bull of Pope Urban VI., A.D. 1386, that in the presence of the bishop of Worcester, the prior of that cathedral should only wear a plain white mitre, ornamented by gilding, but without jewels; and a ring: in his absence, however, he might wear a silver mitre, ornamented with pearls and other jewels, together with the vestments mentioned above.

IBID. p. 187.—*Mandate of the bishop of Exeter*, A.D. 1384.

Whereas, according to the canon law, all and singular monks who shall presume to administer the sacraments of extreme unction,

the eucharist, or matrimony, to any persons laic or ecclesiastic, without the special license of the parish priest, are *ipso facto* damnably involved in a sentence of the greater excommunication: and whereas friar John.....of the order of preaching friars, hath presumed to administer the eucharist without such license, we strictly enjoin you to cite the said John peremptorily to appear before us, &c.

WILK. iii. p. 241.—*Gravamina presented by the clergy in convocation to the archbishops and bishops*, A.D. 1399.

18. That the abbots and priors of monasteries ought to be prohibited from sueing clerks in temporal courts for ecclesiastical pensions due.

22. That monks who had forsaken their rule, and assumed the secular habit, ought to be compelled to return to their respective monasteries.

32. That abbots and priors, &c. should be compelled to entertain (*exhibend,*) rural deans, to pay their share towards the support of the proctors sent by the clergy to convocations, and to bear all the other burthens of the clergy, in consideration of the churches appropriated to them, especially when these burthens were due from the said churches before the appropriation took place.

60. That the royal sheriffs and escheators visit monasteries annually, with their wives and an excessive number of men and horses; and beside their entertainment, extort a large sum of money, although these monasteries were founded by a free grant of the king.

IBID. p. 279. A.D. 1404. The revenues and fruits of many exempt abbies were sequestrated, as the abbots and priors contumaciously refused to attend the convocation; *ten* abbies and priories, several of them exempt, were sequestrated in the diocese of Winchester alone.

IBID. p. 281. "That any monk having property to the amount of forty shillings, or upwards, shall be deprived of the holy communion, the viaticum, and sepulture among his brethren; and that all such property shall be forfeited and applied to the use of his monastery," was enacted by John de Hemmyngburgh, prior of the monastery at Northampton, A.D. 1404.

IBID. p. 363.—*Articles for the reformation of the church, presented by the university of Oxford to the king*, A.D. 1414.

Art. XXI. Whereas many churches are too much appropriated, in which perpetual vicars are not substituted, but priests removeable at pleasure, who, as they can scarcely calculate upon having the care of these parishes for a year, care little about them; and when vicars are appointed, so small a portion is assigned them, that they have neither a respectable maintenance for themselves, nor are able to entertain their poor parishioners as they are bound to do: may it

please you to revoke such appropriations, and to prevent them from taking place in future.

Note. From *Art.* XXVIII. it appears, that patrons, in promoting poor vicars, exacted an oath from them not to endeavour to have their stipends increased.

Art. XXII. That the exemptions of monasteries may be revoked.

Art. XXIII. Whereas exempt monks, being tempted by the devil, are *frequently* polluted with the lusts of the flesh, and are not punished by their own superiors, but continue their sins with impunity; it seems expedient that ordinaries should have a full power to punish and reform all monks, and especially for the sin of fornication committed without the cloister.

Art. XXVI. Against abbots wearing mitres and the other insignia of bishops.

Art. XXXIII. Against a practice which prevailed, of kidnapping children, and placing them in convents without the consent of their parents.

WILK. iii. p. 390. *A bull of Pope Martin V.* A.D. 1418, utterly revoking and annulling the privileges formerly granted by the apostolic see to the Minorite friars, of hearing confessions everywhere, and granting absolution.

IBID. p. 392.—*Concordat of Pope Martin V. to the English church,* A.D. 1419.

Art. V. All privileges granted to minor prelates, authorising them to wear mitres, sandals, and other episcopal vestments, since the time of Pope Gregory XI., are utterly revoked.

Art. IX. All letters of faculty, granted to religious houses of any order whatsoever within the said realm of England, enabling them to obtain benefices with or without cure of souls, and which have not yet been brought into effect, we utterly revoke, and will in future abstain from granting such letters of faculty.

IBID. p. 413.—*Chapter of the Benedictine or Black Monks,* A.D. 1422.

That their dress be in future more conformable to the Benedictine rule; and that their sleeves, which now hang down almost to the ground, be reduced to a moderate length.

Item. To avoid the execrable and detestable crime of monks possessing private property, let the statute of Pope Benedict XII. be strictly enforced, "*that the necessaries of life be not administered in money.*"

Item. When monks visit their relations, let it be with the license of their superior, and not above once a-year; and then let certain respectable laymen be appointed to escort them thither and back again, to whom a certain sum of money is to be allowed by the abbot for their expenses.

Item. Let no monk have a private cell, nor let him be allowed to converse with women in a private room, unless they be his own mother or sisters, and even then only in the guest-house (*hospitium hospitum*), with the special permission of his abbot, and in the presence of those monks who are appointed to receive guests.

Item. Whereas, according to the rule of St. Benedict, he commands all his professors to sleep in their clothes, and many think it sufficient to sleep in their woollen clothes, and with their breeches on (*in staminis et femoralibus*), it is decreed that they shall sleep not only in their frocks, but in the complete regular habit, with their breeches and stockings, but without shoes (*pedulibus*); linen cloth and shirts being altogether forbidden.

WILK. iii. p. 569.—*Council of the province of Cashel at Limerick,* A.D. 1453.

Can. 80. That all poor persons who renounce the world and live in sacred places, shall be registered in the books of the church; and that they shall annually pay to the cathedral, with all humility, a pound of wax. They shall wear a habit agreeable to their poor condition; they shall dwell around their parish churches and burial-grounds, and erect high crosses near their habitations, on pain of forfeiting their privileges.

Note. The original is as follows, "*earum* parochiales Ecclesias et cœmiteria *peragrare*(?) faciant." The canon here is speaking of females, who were to dwell near the church with a view to respectability and devotion.

Can. 113. That no christian, on pain of mortal sin, shall attend the preaching of any friar who hath not been licensed by the ordinary of the place.

IBID. p. 630. Commission granted by Pope Innocent VIII. to the archbishop for the reformation of monasteries, A.D. 1489.

IBID. p. 632. *Monition of the archbishop to the abbot of St. Alban's,* A.D. 1490: in which he complains that the monks over whom he presided, "*persæpè* loca sacra, *etiam ipsa Dei templa,* monialium stupro et sanguinis et seminis effusione profanare non verentur;" that he had made a loose woman, named Ellen Germyn, who had deserted her husband and long lived in a state of adultery, prioress of the nunnery at *Pray;* "ac Thomas Sudbury commonachus tuus ad eam tanquam mœchus ad mœcham in prioratu de Pray prædicto, publicè, notoriè, et impunè a diù accessit et accedit, pröut nonnulli alii ex tuis commonachis ad eam et alias ibidem et alibi, tanquam ad publica prostibula sive lupinaria, accessum continuum impunè habent." This was also the case with respect to the priory of Sapwell, which was also under his jurisdiction; and there are other charges brought against him.

IBID. p. 684.—*Cardinal Wolsey's rules for the canons regular of St. Augustine,* A.D. 1519.

Cap. I. That the Augustinians, throughout the whole realm of England, shall hold a general chapter of the order every three years.

Cap. II. No person shall be admitted as a novice whose fitness has not been previously inquired into; and he shall know the Augustinian rule nearly by heart.

Cap. IV. That the sin of *proprietary monks* may be avoided, we

ordain, that for raiment and other necessaries, a canon, who is a priest, shall receive no more than sixty shillings annually; and if he be not a priest, no more than thirty.

Cap. VI. Since the chief excuse for the entrance of women into a convent is the washing of clothes, we command that in future this office shall he performed by one of the lay brethren.

Cap. IX. That the chants called in English "*prick-song*," shall not be used in conventual churches.

Cap. XI. Let the monks lie in one dormitory, but in distinct cells, and in separate beds; and let every cell be open towards the passage both day and night, so that all may see what is done within.

Cap. XII. That one of the brethren shall read aloud during meals.

Cap. XIV. That on the days on which the monks are allowed to recreate themselves, they go not to taverns, or associate with the laity, but go into the country, and avoid all hurtful games, and the company of suspected persons. They are also forbidden to sleep out of the convent.

Cap. XVII. That the brethren shall usually converse in Latin or French. Also that if the superiors of a convent, after being warned, neglect to send those whom they ought to the university, they shall pay a fine of ten marks.

WILK. iii. p. 704. *A bull of Pope Clement VII.*, A.D. 1524, authorising Wolsey to visit and reform the English monasteries of every order, "*tam in capite quam in membris*, and to correct, punish, and even imprison delinquent monks, according to the nature of their offences; or to deprive them of their monasteries, dignities, offices, and ecclesiastical benefices, and to remove them from thence, notwithstanding any exemptions or privileges granted by the apostolic see:" and moreover empowering him to adopt any other measures which he might think necessary.

IBID. p. 705.—*Royal brief for the suppression of monasteries*, A.D. 1524.

The king, to his beloved John Aleyn, clerk, John Skewse, and John Seyinclere, salutation. Whereas our most holy father in Christ, Pope Clement VII., excited thereto by a pious consideration of the poverty of our university of Oxford, hath authorised our most reverend father Thomas (*Wolsey*), cardinal of the holy Roman church, to suppress altogether not only the monastery of the canons regular of St. Fridiswid, in the city of Oxford, but also several others of various orders, and to transfer the monks to other convents of the same or of any other order; and, suppressing the name of the monastery of St. Fridiswid, to found a secular college there, provided that our consent was first obtained: we therefore authorise and empower all and singular of you to fulfil and execute the mandates or commissions of the said lord cardinal, even although they should extend further than has been expressed in this brief.

WILK. iii. p. 715. *Bull of Pope Clement VII. to cardinal Wolsey,* A.D. 1529, to authorise him, agreeably to the petition of king Henry VIII., to suppress monasteries at his discretion, and apply their revenues to the foundation and endowment of new episcopal sees.

IBID. p. 723.—*Convocation of the province of Canterbury,* A.D. 1529.

That no monk who has taken the three vows of any religious order can, by any dispensation even of the Pope, yea although it hath been granted him under a leaden seal, desert his monastery and accept any benefice, until he hath first proved before the ordinary or his abbot, &c. that he had just cause for obtaining such dispensation.

IBID. p. 740.—*Grievances of the house of Commons against the clergy,* A.D. 1530.

3. That priests being surveyors, stewards, and officers to bishops, abbots, and other spiritual heads, had and occupied farms, granges, and grazing in every country, so that the poor husbandmen could have nothing but of them, and yet for that they should pay dearly.

4. That abbots, priors, and spiritual men, kept tan-houses, and bought and sold wool, cloth, and all manner of merchandise, as other temporal merchants did.

IBID. p. 784. Royal commission appointing Thomas Crumwell the king's vicar general, and empowering him to visit and reform all cathedrals, colleges, monasteries, priories, &c. A.D. 1535.

IBID. p. 786.—*Instructions for the general visitation of monasteries,* A.D. 1535.

We have under this title eighty-six very searching questions respecting the foundation and endowment of the establishment, the title-deeds by which its property was held, (which the abbots were to exhibit to the visitors,) and the morals and discipline of the monks.

IBID. p. 789.—*General injunctions to be given on the king's behalf in all monasteries and other religious houses,* A.D. 1535.

These chiefly relate to the renunciation of the authority of the bishop of Rome, and the reformation of the monastic discipline. One of the articles begins thus: "Also, that all and singular brethren and monks of this monastery take their refections all together in a place called the *miserecorde,* on such days as they can eat flesh, &c."

"Also that the abbot, prior or president, and brethren, may be declared, by the king's supreme power and authority ecclesiastical, to be absolved and loosed from all manner of obedience, oath, and profession, by them heretofore promised or made to the bishop of Rome, or any other in his stead."

From Article 22 of the preceding *instructions,* and also from an article of these injunctions, it appears that unnatural offences were suspected to be very common in monasteries at this period.

Note. The following information I have taken from Burn's *Ecclesiastical Law*, *voce* MONASTERIES, vol. ii. p. 534, &c. A confiscation of church property had been proposed by parliament as early as the reign of Henry IV. (Hume iii. 69, A.D. 1412); but by the 27th Henry VIII. c. 28, on account of the *unthrifty and abominable living* in small abbies, &c. where there were not above twelve religious persons, all such monasteries, priories, &c. were dissolved which had not in lands, tenements, rents, tithes, &c. above the clear yearly value of 200*l.* By this act about three hundred and eighty houses were dissolved, and a revenue of 32,000*l.* *per annum* came to the crown, besides about 100,000*l.* in plate and jewels. Some say that ten thousand persons were hereby sent to seek their fortunes in the wide world, without any other allowance than forty shillings and a new gown to some few of them. Others say, that such of the religious as desired to continue their profession, were allowed by this act to go into the larger monasteries, and that such as chose to go into the world, *being priests*, had every one the above-mentioned allowance, and some of them small pensions for life.

By 31 Henry VIII. c. 13, no houses were suppressed, but all the surrenders which either were made or had been made, were confirmed.

By 32 Henry VIII. c. 24, § i., the knights of St. John of Jerusalem were suppressed.

By 37 Henry VIII. c. 4, colleges, free chapels, chantries, fraternities, &c. were dissolved.

According to Burn, the number of houses and places suppressed from first to last, were about three thousand one hundred and eighty-two; and the number of persons contained in them he estimates at about fifty thousand. The clear yearly revenue of the several houses at the time of their dissolution was 140,785*l.* 6*s.* $3\frac{3}{4}$*d.* (or about 844,710*l.* of our money,) besides an immense quantity of plate. Yet a great many small monasteries, friaries, colleges, chantries, &c. are not included in the calculation!

In the preface to his *Index Monasticus*, Taylor says that there were 555 religious houses returned in the *Valor Ecclesiasticus*, 52 small houses, 118 cells or priories, 29 lesser monasteries granted to Wolsey, 146 early monasteries dissolved or decayed, 146 alien priories, 27 commanderies of knights hospitalers, 31 preceptories of knights templars, 32 friaries valued at dissolution, 231 ditto unvalued, 154 colleges accounted for, 94 ditto not valued, 130 hospitals valued at dissolution, 379 ditto unvalued.

Total monasteries, friaries, colleges, hospitals, &c. ...	2,124
Add chantries and free chapels	2,374
Add gilds and confraternities	34,000
Total number anciently in England and Wales ...	38,498

And he estimates the annual value of church property in the diocese of Norwich alone at £500,000 of our present money, including the revenues of suppressed monasteries, &c. to the value of £250,000 per annum.

CHAPTER IV.

ON THE SEVEN SACRAMENTS.

§ I. *The Seven Sacraments a mere novelty.*

The term *sacrament* was applied with a great deal of latitude by several of the ancient fathers, especially by S. Augustine. Thus, for example, in the seventh book of his *Confessions*, he calls our Lord's Incarnation *a sacrament;* in the eighth book he again discourses "de *sacramento* humilitatis verbi tui;" and in the ninth book, the Psalms of David are termed *sacramenta.*

Many examples of the same kind might be produced from his other works, but Bellarmine honestly admits the fact, and further quotations would be of course needless.

His words are as follows:—"Et quidem *multa* dicuntur a veteribus *sacramenta* præter ista septem."[a]

For the five sacraments rejected by the church of England there is therefore no adequate support in antiquity. Of the pretended testimonies cited in proof of the contrary, a large majority might have been written by any protestant minister, as they merely establish the facts, that in the primitive church, children were confirmed; that there was a solemn form of ordination, and so forth; while others, in which the *word* sacrament has been applied to confirmation, penance, orders, &c. would (as logicians say) prove too much, the fathers having *confessedly* used that term to signify *any* mystery of the faith or *any* sacred thing. The *lotio pedum*, the beginning of the Gospel of S. John, the Psalms of David, and our Lord's Incarnation, have been all termed *sacraments.*[b]

Confining our investigation to the first five centuries, we find that S. Augustine is the only father who ever termed *confirmation* a sacrament, or *penance* a sacrament; that S. Jerome and S. Augustine are the only fathers who ever called *orders* a sacrament, *and that extreme unction has never been termed a sacrament by any ancient writer:* Pope Innocent I. calls it indeed "a *kind* of sacrament," ("*genus* sacramenti"), but this is clearly a testimony in our favour: for who would call baptism "a *kind of* sacrament," or who would call the Lord's Supper "a *kind of* sacrament?

[a] De effect. Sacram. lib. ii c. 24. [b] Vide supra.

[c] Schram, Theol. tom. iii. cap. xv. § 965. Item cap. xvii. § 1052. Item cap. xviii. § 1115. Item cap. xix. § 1130. Item cap. xx. § 1199.

Thus Roman Catholics can only produce five testimonies altogether, *none of which are earlier than the latter end of the fourth century.* With regard to *confirmation* and *penance,* they can only bring forward one solitary witness, who lived as late as the fifth century: *and for extreme unction they have no ancient authority whatsoever.*

For their sacrament of *orders* they can only cite three testimonies, viz. two of the fifth, and a third who flourished late in the sixth century; and although there may *appear* to be a goodly array of evidence in favour of the sacramentary character of *Matrimony,* this so evidently arises from the vulgate translation of Eph. v. 32, ("hoc est magnum *sacramentum*") that it must be put out of the question.

The clue which has been furnished at the beginning of this section, enables us however, to dispose of all these authorities at once; and whether we apply the test of ANTIQUITY or UNIVERSALITY, the five pretended sacraments of the Church of Rome, will most assuredly be found wanting.

Hugo de Saint Victoire, *a writer of the twelfth century,* was the very first to maintain the doctrine that there are seven sacraments, and the various oriental churches have no uniform tradition upon the subject to which our adversaries can appeal.

Thus Caucus, archbishop of Corfou, tells us that the Greek church, at the time he wrote, excluded confirmation and extreme unction from the number of the sacraments; maintained that marriages might be dissolved; that an *indelible character* was not conferred by ordination; and denied auricular confession to be of divine precept;[d] in which they agreed with the other oriental churches.

The Christians of S. Thomas (otherwise called *the Syrian church*) acknowledged only *three* sacraments, viz. baptism, orders, and the eucharist;[e]—and although some of the eastern churches admitted seven sacraments, these were widely different from the seven sacraments of the church of Rome. Thus father Simon says of the Cophti:—"They acknowledge indeed seven sacraments, but besides baptism and confession, the eucharist and orders, *they add faith, fasting and prayer* (!) without mentioning the other sacraments."—"They take not (he adds) the term sacrament in the rigorous sense that we do; for which reason I am inclined to believe that they look upon *the first four* only as sacraments, and that some of their doctors added afterwards the three others to make up the mystical number seven.[f]

A great deal more might of course be said upon this subject. I could easily prove, for example, that the greatest Theologians of the church of Rome, are not agreed as to the *form* or *matter* of *any one* of these five (rejected) sacraments; and that they know nothing whatsoever as to the time of their institution by our Lord, or whether

[d] Picart, edit. Lond. 1736, vol. v. pp. 32 and 174, 202 and 217.
[e] Alex. Menez. cap. xx. ap. Picart, v. 202.
[f] Picart, v. 219, see also Wolff's Journal, Athenæum, May 1844.

he instituted them at all.[g] Their *conjectures* indeed are utterly at variance with the notion of any Catholic tradition upon the subject: for in that case, there would have been a certain assurance, where there is now nothing more than a probable inference, or an ingenious surmise.

For more than *five hundred years* after the arrival of Augustin and his companions, the doctrine of seven sacraments was not received either by the Roman, or by any other branch of the Catholic church.

§ ii. *Ancient mode of administering the Sacraments.*

(1.) BAPTISM was anciently incumbered with a variety of useless ceremonies. Thus, for example, the priest blew into the face of the infant; then crossed him upon the forehead and breast; then placed consecrated salt in his mouth and anointed his ears and nostrils with saliva; next followed the exorcism or the casting out of Satan from the child—the priest making what is termed an *exsufflation*; then the consecration of the water, unction upon the head with the chrism, the placing upon him of the chrismale or white garment, and giving into the hand of the baptized or his sponsor of a lighted wax taper.[h]

The above ceremonies are observed even at the present day; but many others have long since fallen into desuetude; as for example —1. The administration of the Eucharist immediately after Baptism, under both species to adults, but to infants under the species of wine. 2. They gave the recipient milk and honey to taste. 3. They placed a garland upon his head and shoes upon his feet. 4. They gave him ten *Siliquæ*, or small pieces of money, in token of his obligation to keep the Ten Commandments. 5. They presented him with a waxen image of the *Agnus Dei*, to remind him continually of the Saviour.[i] 6. In England, if not elsewhere, the sponsor presented to his godchild one two or more apostle spoons, according to his means. These spoons, of which I have seen a great many, were so called because the handle of each was wrought into the effigy of an apostle, and there were thirteen in a complete set. Sometimes they were of the precious metals, and sometimes of laten or brass.[k] Whether this practice extended beyond England, or whether it was earlier than the sixteenth century I have no means of ascertaining.

(2.) CONFIRMATION was in early times administered immediately after Baptism; but in England children were usually about three years old when they were confirmed. The bishop anointed

g Schram, Theol. tom. iii. c. 15. § 965. Schol. 2. Ibid. cap. 18. § 1116. Schol. 2. Ibid. pp. 147, 339, 341, 494, 533, 540, 547, &c.

h Ordo Administr. Sacram. Dublin, 1820, p. 6, &c.

i Schram, Instit. Theol. tom. iii. cap. xiv. § 963. Schol.

k Rees. Encycl. Antiq. i. 224; Hone's *Every Day Book*, i. 179; also Gent. Mag. Sept. 1768.

each candidate upon the forehead with consecrated oil; gave him a slight blow upon the cheek, in token that he should be ready to endure persecution for Christ's sake; then followed the *Pax* (which was probably in early times accompanied by the kiss of peace). The forehead was then bound with a fillet of white linen, which was to be kept there seven days and afterwards burnt.—Every male candidate was to have a godfather, and every female a godmother. If the confirmation took place during infancy, the child was held in its sponsor's arms, but if he was an adult, the sponsor placed his right hand on the shoulder, or his right foot on the foot of the candidate during the solemnity.[l]

The *matter* of this sacrament was the chrism, or consecrated oil and balsam, and the *form* "M or N, I sign thee with the sign of the cr✠oss, and confirm thee with the chrism of salvation, in the name of the Fa✠ther, and of the S✠on, and of the Holy✠Ghost. Amen." There are, however, various opinions upon these points.[m]

The name which had been given at baptism was sometimes changed at the time of confirmation, by the bishop commencing the above form with the desired name in place of that which had been hitherto borne by the recipient.[n]

The candidates were usually dressed in white; and their names, and the names of their sponsors, were inserted in a register kept for the purpose.

In the primitive church confirmation was rather looked upon as the *complement* of baptism than as a distinct sacrament, and was administered *by Presbyters*, immediately after the latter, with holy oil. The consecration of that oil, the laying on of hands, and the *consignation* (or signing with the sign of the cross) could however only be performed by the bishop, unless by his special authority, or in cases of emergency.[o]

(3.) The EUCHARIST is not administered to the people in the Church of Rome during the celebration of the Mass, when the priest alone communicates, but at a separate time, and with hosts which have been then consecrated and reserved. It is almost needless to add that ever since the council of Constance, A.D. 1418, the chalice has been withheld from her laity, and even from the clergy except when they actually officiate. This corrupt practice is therefore of very modern date; for although *Half-Communion* may have prevailed in some places, even before the council of Constance, if there had been anything like uniformity upon the subject, there would have been no synodical decree.

When a layman communicates, the priest takes one of the round, flat, consecrated wafers (called *hosts*), and making with it the sign of the cross over the pyx, places it in his mouth, saying "*Corpus*

[l] Pontificale Romanum, Paris. 1664, p. 1, &c.
[m] Schram, Theol. tom. iii. cap. xv. § 966. 968.
[n] Wilk ii. 53.
[o] Bingham, Orig. Eccl. book xii. ch. 1. § 1. &c. et ch. 2. § 2 &c.

Domini Nostri Jesu Christi conservat animam tuam in vitam perpetuam;" after which the communicant is allowed water (or sometimes wine and water), not as any part of the sacrament, but with a view to an easier deglutination: for according to the doctrine of *concommitance*, he receives the body and blood together.

The mass itself consists of two principal parts: the *Ordinary*, which includes all the introductory prayers and ceremonies; and the *Canon*, or consecration service, in which the elements are supposed to be transubstantiated, and offered up as a sacrifice for the living and the dead. To these may be added the *post-communion*.

The introits, graduals, tracts, sequences, collects, epistles, gospels, prefaces, *secreta*, communions, and *completoria*, vary according to the Sunday or festival, and are incorporated into the usual service which is common to every mass.

The prayers and ceremonies of the mass are too numerous and complicated for explanation here; I must therefore refer the reader to my '*Analysis of the Mass*,' published in the *Christian Remembrancer*, in the months of July, September, and October 1839; and advise him to consult the missal itself, which, with all its faults, contains many beautiful and scriptural prayers, and certainly formed the basis of our English Communion office.

The reader will please to observe, that the mass is the public morning service of the Church of Rome, celebrated by the priest in the face of the whole congregation, of men, women, and children.

In the larger churches, several masses are celebrated in the forenoon upon the same altar, by a succession of priests; and sometimes mass is said simultaneously at the different altars of the same church.

The priest is supposed to be offering up a sacrifice for the living and the dead; his back is turned to the people during the greater part of the ceremony, which they can only follow by his gestures: for his words are rapidly delivered, in a subdued voice, and in the Latin tongue, and he alone communicates.

He is assisted by one or two acolyths; and the celebration of *High Mass* is only distinguished from the ordinary service by its being chanted, by more splendid vestments, and by the presence of a deacon and subdeacon, who, in the appropriate vestments of their respective orders, assist the officiating priest.

The vestments of the priest are the *Albe, Girdle, Amess, Stole, Maniple, and Chasuble*,—all of which will be explained hereafter, as well as the *Ministeria*, or altar plate.[p]

The multitude of ceremonies with which it was encumbered in the Middle Ages, utterly destroyed the beautiful simplicity of the Eucharist; and this excess of ornament, of pomp, and of meretricious display, tended only to mar its real dignity.

The celebration of mass barely occupies half an hour, yet in Piccart's '*Religious Ceremonies*' there are *thirty-five* engravings, each

[p] See Index under the words *vestments*, *albe*, *girdle*, &c., also *altar*, *chalice*, *pyx*, &c.

representing some distinct *gesture* of the priest during its continuance.[q]

The following are the principal rubrics:—

"*The priest making the sign of the cross reads the* introit *of the day.*"

"*The priest turns to the people.*"

"*The priest goes to the middle of the altar.*"

"*The priest reads the gospel at the north side of the altar.*"

"*The priest kisses the gospel.*"

"*The priest washes his hands at the horn of the altar.*"

"*The priest bows towards the middle of the altar.*"

"*The priest kisses the altar, and then turns to the people.*"

"*The priest bowing low towards the altar says, &c.*"

"*The priest spreads his hands over the host and chalice.*"

"*The priest having adored upon his knees the body of Jesus Christ, elevates it that it may be adored by the people.*"

"*The priest strikes his breast.*"

"*The priest raises the chalice a little.*"

Note. In our church the *osculatorium*, or *paxboard*, was handed to all present to be kissed at this portion of the service, but this ceremony has long since become obsolete.

"*The priest breaking the host into three pieces puts one of them into the chalice.*"

Note. During the Agnus Dei, and also at the elevation of the host, the acolyth rings the saunce (or *Sanctus*) bell three times.

"*Having worshipped the host, the priest takes it into his hands.*"

"*He smites his breast and says three times, &c.*"

"*He makes the sign of the cross with the host.*"

"*Having received the host, he takes the cup into his hands.*"

"*He makes the sign of the cross with the chalice.*"

"*Having received the blood, he pours wine into the cup for the* purification."

"*He puts wine into the cup for the* ablution."

Note. For as they believed in a real *transubstantiation* of the elements, it was considered a matter of importance that not one drop or particle should be suffered to remain. The *purification* and the *ablution* appear to have been distinct.

The words "ITE MISSA EST," with which the mass anciently concluded, gave the title *Missa* (or mass) to the whole ceremony; but they are now followed by a benediction, versicles, responses, and the first fourteen verses of Saint John's Gospel.[r]

The *Missa Præsanctificatorum*, celebrated upon Good Friday with elements previously consecrated and reserved;

The *Missa Sicca*, or *Navalis*, celebrated on shipboard, in which all the usual ceremonies were retained, with the exception of the consecration and communion;

[q] Folio edit., Lond. 1733, vol. i. p. 325.

[r] Missale Romanum, passim.

The *Missa Privata*, offered up by a priest for the repose of the soul in the presence only of the assisting acolyth;

The *Missa Bifaciata*, or *Trifaciata*, in which, that he might gain several stipends for one sacrifice, the priest recited the service over and over again as far as the offertory, and concluded with one *Canon;*

The *Missa Votiva*, celebrated in consequence of a vow;

And the *Viaticum*, offered up upon a portable altar near a dying bed, were the principal varieties, independently of high and low mass.[s]

The *Missa Catechumenorum*, in the primitive church, included all those parts of the service which were recited before the dismissal of the *Catechumens* (or unbaptized), the *Energumenes* (or possessed), and penitents not as yet restored to the communion; and was followed, after their departure, by the *Missa Fidelium* or sacramental service.[t]

(4.) PENANCE. As a whole chapter has been devoted to this subject,[u] it will not be necessary to dilate upon it here.

Concerning the *matter* of this sacrament, there has been a great variety of opinion in the Church of Rome; some believing it to consist in the imposition of hands; others (including the celebrated Duns Scotus) in absolution; others in confession; others in contrition, confession, and satisfaction; others in contrition, confession, and absolution;—the two latter opinions having been the most prevalent since the Councils of Florence and Trent.

How this diversity can be reconciled with the existence of a Catholic tradition, or how *any* of these *guesses* can possibly agree with Saint Augustine's definition of a sacrament, "signum *visibile* invisibilis gratiæ;" or with that of Saint Gregory the Great, "divina virtus sub rerum *corporearum* tegumentis occultè salutem (*efficiens*);" definitions which have been expressly adopted in the '*Catechism of the Council of Trent*,'[v] are questions which I must leave for the reader's consideration.

That perfect contrition is not an essential requisite; and that the fear of hell, without any mixture of charity, may fully qualify a man for the benefits of this sacrament,—pardon and justification, are opinions which very generally prevail in the Church of Rome: and it was even a question among the schoolmen, whether an explicit resolution to abstain from sin for the future was to be considered as a necessary qualification.[w] The lax morality of the confessional will be exemplified in another part of my work:[x] and with respect to what are called '*reserved cases*', I must refer the reader to what has been said in p. 64.

[s] Du Cange, voce *Missa*, et Carpentarii Supplementum, voce *Missa*.
[t] Bingham, b. xiii. c. i. § 1, 2, 3.
[u] Infra, chap. vi.
[v] Catech. ad Parochos, pars ii. § 3, 5.
[w] Boudart, Catechismus Theologicus, tom. ii. p. 7, &c. et passim. Item Schram, Theol. tom. iii. § 1059, Schol.
[x] Introd. to chap. vi.

The *form* of this sacrament is supposed to consist in the words "Ego te absolvo à peccatis tuis, in nomine Patris, Filii, et Spiritûs Sancti, Amen." The *deprecatory* form, "Indulgentiam et remissionem peccatorum tuorum tribuat tibi Omnipotens Deus," is however much more ancient. It is analogous to the practice of the Oriental churches even to this day, and prevailed in the west till the beginning of the twelfth century; "Probabiliùs (says Schram) formam Absolutionis *deprecatoriam* usque ad initium sæculi XII ratam et licitam fuisse."[y] This is of itself a most important concession; and for further proof of the novelty of the *indicative* form, 'Ego te absolvo', I must beg leave to refer my reader to Bishop Burnet's commentary upon our twenty-fifth Article.

The ceremonies belonging to this sacrament may be easily explained. The priest is usually vested in a *soutan, cotta, stole,* and *biretum*;[z] he is seated in a confessional chair or box; the penitent kneels at the side and requests his blessing; repeats the *confiteor* to the words "mea culpa, mea culpa, mea maxima culpa," smiting upon his breast; and thence proceeds to a particular and circumstantial detail of his *mortal* sins,—sins of pride, envy, anger, hatred, lukewarmness, avarice, or luxury, (for he is not bound to specify any other). Penance is imposed, and he receives absolution.

(5.) EXTREME UNCTION is, by a strange perversion of James v. 14, 15, administered only to persons when they are supposed to be in the very agonies of death; whereas it was doubtless applied in the apostolic age with a view to their miraculous recovery: and the form still used in the Greek church is agreeable to this ancient practice: "O thou holy Father of souls *and Physician of bodies,* heal this thy servant from the infirmity *of body* and soul with which he is now afflicted."

The most learned divines of the Church of Rome are not agreed as to the *institution, matter,* or *form* of this alleged sacrament; which would of itself negative the supposition that there can exist any catholic tradition upon the subject; for in that case we should have found certainty and uniformity, instead of diversity, hesitation, and doubt.

Peter Lombard, Hugo Victorinus, and the celebrated Cardinal Bonaventura, affirm that the unction of the sick was instituted by the Apostles after our Lord's Ascension, while Thomas Aquinas, Scotus, and a host of others, refer the institution immediately to Christ himself.[a]

The latter opinion has indeed been very generally received since the Council of Trent;[b] but even now it is not considered "*de fide,*" nor do its advocates agree among themselves. Some *think* that our

[y] Theol. tom. iii. c. 17. § 1092, Schol.
[z] See Index.
[a] Schram, tom. iii. c. 18, § 1116, et Schol. 1, 2.
[b] Concil. Trid. sess. xiv. c. i.

Lord instituted this sacrament when he sent forth his apostles by two and two, as recorded in the vith chapter of Saint Mark's Gospel, citing as their authority the 13th verse: but to this it is objected, that they were not then priests, nor were they appointed to the priesthood before the last Supper. Others therefore *imagine* that it was instituted then, while a third class of *guessers* date the institution after our Saviour's Resurrection.

Although it be universally agreed that oil is the *matter* of this sacrament, it was warmly disputed among the schoolmen, whether it be essential to the validity of the rite that the oil should be blessed by a bishop, or even blessed at all. In the Greek Church, a simple presbyter consecrates the oil at the time, just as we consecrate the water of baptism. It is, moreover, a *vexata quæstio*, whether it be essential to anoint all the organs of sensation, or whether a single unction might be sufficient: and as to the *form* of the sacrament, they are not agreed whether it must be necessarily *deprecatory* or *indicative*.

As to the mode of administration there has been also a great diversity of practice. An ancient Visitation office used in Ireland, and published a few years ago by Sir W. Betham, directs only one unction;[c] the Sacramentary of St. Eligius, among other parts to be anointed, mentions the neck, throat, and shoulders; another ritual adds the crown of the head, the forehead, cheeks, temples, and breast, "Constantiense unctionem *umbilici* præsertim in fœminis præscribit;" and others direct an especial unction of the part affected by disease.[d]

In the modern Church of Rome, the priest anoints the eyes, ears, nostrils, mouth, hands, feet, and reins of the sick person, saying in Latin—"By this holy unction ✠ and his most pious mercy, may the Lord pardon thee whatsoever thou hast sinned by ——;" filling up the blank with the words "sight," "hearing," "smelling," "taste or conversation," "touch," "step," or "carnal frailty" (*lumborum delectionem*), according to the part anointed.[e]

This unction of the reins is however omitted in the case of females.[f]

In the council of Florence, it was decreed that this sacrament should be only administered to a sick person "de cujus morte timetur:"[g] and although the decree of the council of Trent does not absolutely restrict the sacrament to persons in such imminent danger, it directs that it shall be "*especially* administered to those who are so dangerously ill that their life seems to be drawing to a close."[h]

This unction is however withheld from children under seven years of age, from idiots, madmen, criminals before execution, or those who are in danger of a violent death by war, shipwreck, &c. Nor is it administered to women in childbirth except in special cases, as when

[c] Irish Antiquarian Researches, part i. pp. 55, 56.
[d] Schram, Theol. tom. iii. c. 18, § 1117, Schol.
[e] Ordo Administrandi Sacramenta, Dubl. 1835, p. 75 &c.
[f] Ibid. [g] Carranza, Summa Concil., Paris 1678, p. 594. [h] Ibid. p. 671. &c.

the cæsarian operation is about to be performed. Whether it was to be administered to aged persons *in extremis* appears to have been a matter of doubt, which Schram solves by telling us that "old age itself is a disease."[i]

(6.) ORDERS. This sacrament resolves itself into several heads, according to the various orders or degrees of the sacred ministry. Their functions have been already explained (p. 87): for a *description* of their "VESTMENTS" I must refer the reader to that word in the index; and the form of degradation from the ministry may be seen above, page 119.

The *first tonsure*, though no order in itself, yet formed the boundary line between the laity and the clergy, and anciently exempted a man from the civil jurisdiction.[k] It was conferred by the bishop, who clipped the hair of the candidate at the back of the head, at each ear, on the crown, and at the forehead, slowly repeating the words, "The Lord is the portion of mine inheritance and of my cup: thou art he who wilt restore unto me mine inheritance;"[l] and afterwards investing him with a surplice.

There is nothing analogous to this in the Greek Church, and by the confession of Schram it is of comparatively late introduction even in the West.[m]

1. An *ostiary* is ordained by receiving from the hands of the bishop the keys of the church, and afterwards a small bell from the archdeacon.

The vestments of this order are the *amyt*, *albe*, and *belt* (balteus), which appears to have been something different from the *girdle*.[n] The ostiary might also wear a *cotta* or a *surplice*.

As ostiaries, readers, exorcists, and acolyths, had these vestments in common (viz. the amyt, albe, belt, &c.), it will not be necessary for me to repeat.

"If (says Schram) *the keys of the kitchen* should be delivered to any one instead of the keys of the church, his ordination as ostiary would be invalid."[o]

2. A *reader* is ordained by having the *lectionary*, or book of lessons, a *breviary*, or a *bible*, placed in his hands by the bishop.[p]

3. An *exorcist*, by the delivery of the book of exorcisms, or of any liturgical book containing exorcisms, such as the pontifical or the ritual.[q]

[i] Schram, § 1122, et coroll.
[k] Index, voce *Benefit of Clergy*.
[l] Psalm xvi. 5, in our version, or Vulgate, Psalm xv. 5.
[m] Ubi supra, § 1133, et Schol. § 1134, et Schol.
[n] Durandi Rationale, lib. ii. c. 8, num. 5.
[o] Schram, tom. iii. c. 19, § 1137, Schol. § 1138, coroll.
[p] Ibid. § 1140.
[q] Ibid. § 1141.

4. And an *acolyth*, by receiving from the bishop a candlestick with an unlighted wax candle and an empty pitcher.[r]

Note. These minor degrees of the ministry are not considered as belonging to the *sacrament* of orders; and many ritualists place the *subdiaconate* in the same category. There is, however, a great diversity of opinion upon this subject among the most celebrated writers in the Church of Rome. Thomas Aquinas, Bonaventure, and Scotus, affirm that these minor orders are *all* sacraments; and independently of the seven orders specified in the councils of Florence and Trent, Cajetan and Martene add two others, those of *bishops* and *psalmists*. Many canonists include also *the first tonsure;* and the *fossarii*, or *laborantes* (whose office it was to bury the dead), are distinctly noticed by St. Epiphanius, St. Jerome, and other ancient writers.

In the Greek Church for more than a thousand years there have been only four orders of the ministry—*presbyters, deacons, subdeacons,* and *readers*.

In the modern Church of Rome the functions of the cantor (or præcentor) and of the psalmist or singer are looked upon rather in the light of *offices* than *orders*. The former bears a cantoral staff, to denote his charge and to regulate time in the choir over which he presides.[s]

5. A *subdeacon* is ordained by the bishop investing him with the *amyt* and *tunicle;* placing his hand upon the *epistolarium* (which contains the epistles used throughout the year), and delivering to him an empty chalice and paten; after which the archdeacon gives into his hands the vessels with wine and water, the *aquæmanile* (or basin), and the napkin, with which the priest dries his hands during the celebration of mass.[t]

The subdeacon's vestments in the Church of Rome are the *amyt, albe, belt, tunicle,* (or *subtile*): he has also a long *veil* (of fine linen?) upon his (right) shoulder, with which he covers the sacred vessels as he presents them to the priest at the altar; it is called '*sindon*.'[u]

Pope Adrian affirms that the emperor should be at least a subdeacon.[v]

6. A deacon is ordained as follows: the bishop lays his right hand on the head of the candidate, with the words "*Accipe Spiritum Sanctum, &c.,*" places a stole over his *left* shoulder, the stole being somewhat wider than that of a priest, and having "a cord with a fringed tassel in the middle of each side to fasten it together under the right arm, where it is brought from the left shoulder."[w] The bishop then invests him with the *dalmatica,* and delivers the book of the Gospels into his right hand.[x]

The appropriate vestment of a deacon was the *dalmatica;* but on fast days this was laid aside, as was also the *tunicle* of the sub-

[r] Ibid. § 1143.
[s] Ibid. § 1132, Schol. et § 1136, Schol. Item Durandi Rationale, lib. ii. cap. 2, 3.
[t] Vide Pontificale Romanum. [u] Gavanti Thesaurus, pars ii. tit. 7, § 9, n. S.
[v] Dist. 63, "*Valentinianus*" in fine, apud Durand. lib. ii. cap. 8.
[w] "Selections from Merati," Lond. 1837, p. 101.
[x] Schram, ubi supra, § 1150, Schol. 2.

deacon, and in Lent the deacon used anciently to wear a chasuble folded in front to distinguish it from that of a priest. Besides the dalmatica the deacon wore an *albe, girdle, amyt, maniple,* and a *stole* over his left shoulder.[y]

7. A *priest*[z] is ordained by the bishop (and all the priests who are present) placing both hands upon his head. The bishop moreover draws the stole over his right shoulder, and crosses it upon the breast; invests him with a chasuble; anoints both his hands with the oil of catechumens; delivers to him a chalice with wine and water, and a paten with the host, saying, "*Accipe potestatem offerre sacrificium tàm pro vivis quàm pro defunctis.*" Then the bishop places both his hands upon the candidate's head, saying, "*Accipe Spiritum Sanctum; quorum remiseritis peccata,*" &c.; and lastly unfolds the chasuble.

The vestments of a priest are the *amyt, albe, girdle, stole, chasuble,* and *maniple;* or else he wears an *amyt, albe, girdle, stole,* and *cope;* but never I believe during the celebration of mass.

Note. The Greek and Roman churches are agreed in considering the priesthood as the highest order of the ministry, and the episcopate as a degree,—the *complement* as it were, or perfection of the priesthood, through which the Apostolic succession is derived, and to which the power of ordination is absolutely restricted.[a]

A *bishop* is thus consecrated. The consecrating bishop and the assisting bishops place the book of the Gospels open upon the neck and shoulders of the elect; then all place both their hands upon his head; the consecrator next anoints his head and both his hands; blesses the pastoral staff and delivers it to him, and puts a consecrated ring upon his fourth finger. Next the consecrator takes the book of the Gospels from his shoulders, and gives it to him closed; and lastly, he and all the assisting bishops place a mitre upon his head, and consecrated gloves upon his hands.[b]

The mode of consecrating an archbishop is precisely similar; or he may be translated from an ordinary see to the primacy without any additional consecration. But there is a form of delivering the pall to an archbishop,[c] and he of course makes no profession of canonical obedience to his consecrator.

The full costume of a bishop or archbishop are the *sandals, amyt, albe, girdle, stole, tunicle, dalmatica, gloves, episcopal ring, chasuble, maniple,* and *mitre,* with the *infulæ* (or bands) hanging from it, and the *succingulum* from his girdle.

These are *all worn together* to signify that the episcopate includes within itself all the inferior degrees of the ministry.

In addition to the above a bishop has a pastoral staff or crook in his left hand; the archbishop holds instead of this a *cross staff* in

[y] Burii Rom. Pontif. Brevis Notitia, p. 428. Item Durand. lib. ii. c. 9.
[z] Pontificale Romanum.
[a] Durandi Rationale, lib. ii. c. 11. num. 13. Item Schram, ubi supra, § 1132. Schol. 2.
[b] Pontificale Romanum. [c] Supra, p. 44.

his left hand, and on very solemn occasions wears his pall. Archbishops and bishops sometimes wear *copes*.[d]

By the fourth canon of the first council of Nice,[e] it was directed that at least three bishops should be present at a bishop's consecration: this, however, was by no means essential to its validity; for in ecclesiastical history there are many examples of a single bishop validly consecrating another, *in cases of urgent necessity*.[f]

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7. MATRIMONY, as it is administered in the Church of Rome, differs little from the form which we still use. It was, however, performed *at the church door*. After the giving and plighting of the troth, and the joining of hands, the parties are sprinkled with holy water; the bridegroom places the ring, with silver and gold, upon the book, and after they have been duly consecrated, he delivers them to the bride, saying, "With this ring I thee wed, this gold and silver I thee give, and with all my worldly goods I thee endow, (*tunc inserat sponsus annulum pollici sinistræ manûs sponsæ, dicens,*) in the name of the Father, (*deinde secundo digito, dicens*) and of the Son, (*deinde tertio digito, dicens*) and of the Holy Ghost, (*postremo, quarto sive annulari, ibique dimittat annulum, dicens*) Amen."

The officiating priest wears an *albe*, a *surplice*, and a (white) stole.

When a widow is married (among the Irish Romanists) she wears a glove upon her hand to distinguish her from virgins, who appear with their hands uncovered.[g]

Anciently the *espousals* were distinct from marriage, and used to be performed with great solemnity. The contracting parties plighted their troth to each other before witnesses, and exchanged gifts as an earnest of fidelity. These were termed *arræ* or *arrabones:* there was also "a ring, a kiss, a dowry, a writing or instrument of dowry;" and from this first contract they could not recede without incurring legal forfeitures and church censures.[h]

The practice of throwing the *flammeum* (a yellow veil) over the bride's head, and of crowning the newly-married pair with garlands of olive, or the like, appear to have had a pagan origin: they however prevailed among the early Christians, and in the Greek Church to this very day silver crowns are placed upon the head of the bride and bridegroom by the officiating priest.[i]

The ritual moreover contains a form for the benediction of the nuptial bed.

There is probably a greater variety of opinion in the Church of Rome respecting the *matter* and *form* of this sacrament than of any of the rest.

[d] See above, p. 65.
[e] Carranza, p. 70.
[f] Schram, ubi supra, § 1162, Schol. 2.
[g] Ordo Administr. Scram. Dub. 1835, p. 46, &c.
[h] Bingham, Orig. Eccl. b. xxii. c. 3, § 1.
[i] Ibid. b. xxii. c. 4, § 6. Item Schram, § 1240, Schol

Some affirm that the *consent* of the parties is the *matter*, and the expression of that consent the *form*. This was the opinion of Navarre; but Johannes Major believed the *matter* to consist in the words, and the *form* in the consent,—*an exact transposition of the former opinion*. Vasquez on the other hand believed the *bodies of the contracting parties* to be the *matter*, and their consent audibly expressed the *form*. Richardus affirmed that the words of one of the parties was the *matter*, and those of the other party the *form*. Maldonatus considered the mutual society, help, and comfort resulting from matrimony as its matter, and the mystical union between Christ and his Church as its *form*. Canus and Tournelly believed the acts of the contracting parties to be the *matter*, and the priestly benediction the *form*; while Schram himself maintained that the words expressive of consent *are both* MATTER *and* FORM![k]

The accuracy of this,—the statement of a learned Roman Catholic in a *didactic* treatise *upon the Sacraments*,—may be of course fully relied on, and it is exceedingly valuable.

Amidst all this variety of opinion, all this uncertainty of conjecture, and this babel-like confusion *respecting the very* ESSENCE *of an alleged* SACRAMENT, we can discern no traces of that living, speaking, and infallible tribunal, of which our adversaries boast, as the supreme guardian and judge of their faith; nor of that unity, certainty, and universality, which must be the test of a Catholic tradition.

In the Church of Rome marriage is prohibited in the fourth degree of consanguinity; or, in other words, the prohibition extends to first cousins, their children, and their grand-children: *and the great grand-children of a first cousin are the first step beyond the pale of incest!* More than this, a spiritual relationship is said to exist between the person baptized or confirmed and his sponsors: so that if he were to intermarry with the daughter of his sponsor, the union would be deemed incestuous.[l] For these restrictions I need hardly say that there is no authority either in the book of Leviticus (chap. xviii.) or in any part of the New Testament; and on the other hand the Pope takes it upon himself to dispense *even with the law of God*, allowing a man to marry the widow of a deceased brother. Of this we have six or eight memorable examples in history,[m] but I need not particularise, it being well known that this very abuse gave rise to our English Reformation.

In the Church of Rome marriage is considered as an indissoluble contract, and a divorce *'a vinculo matrimonii'* is not allowed *even in cases of adultery*. The practice however of the Greek church agrees strictly with our own[n] and also with the words of our Lord himself in Matt. v. 32.

[k] Schram, ubi supra, § 1201, Schol.
[l] Andreæ Synopsis Juris Canonici, tit. xi. p. 253, et tit. xiv. p. 259.
[m] Schram, § 1257.
[n] Schram, § 1261, and Schol.

§ II.—*Sacramentals—Superstitions connected with Baptism—Lay Baptism—Sponsors—Infant Communion—Parish Registers—The Doctrine of* INTENTION—*The* DISCIPLINA ARCANI.

Independently of these seven *alleged* sacraments, the canonists of the Church of Rome enumerate several rites which are supposed to have a certain sacramental character, though in an inferior degree, and which they therefore term "*Sacramentalia:*"[o]

1. The Lord's Prayer.
2. Holy Water, called in Latin *Aqua Lustralis.*
3. The *Eulogiæ,* or Blessed Bread. (See in the index, *voce Eulogiæ.*)
4. The general and public confession of sin made during the mass, &c.
5. Almsgiving.
6. The Sacerdotal Benediction.
7. The Benediction of the Ashes with which the forehead is crossed on Ash-Wednesday.

In the primitive church, the *Catechumens* (or those who had embraced the Christian religion, but were not as yet received into the church by baptism) were allowed to taste consecrated *salt*[p] as an emblem of divine grace; and this was termed *the Sacrament of the Catechumens* (sacramentum catechumenorum).

Among the superstitious practices anciently connected with the sacrament of baptism, but in most instances condemned by the church, were—

1. The delay of baptism till the candidate was upon the point of death; that so he might leave the world without the stain of sin or the possibility of a relapse. This was termed *Clinic baptism.*
2. Baptism of the living on behalf of the dead, who were supposed to receive the sacrament by proxy.[q]
3. Baptism of those *who were actually dead!* a corrupt practice condemned in the third council of Carthage, canon 6. *In Africa they even gave the Eucharist to the dead!*[r]
4. Baptism *before birth* where danger was apprehended. Of this there is an instance in the Consistorial Registers of Rochester Cathedral[s]: and Durandus says, "Si infans non potest nasci, sed solùm caput emittat, illud baptizetur priusquam moriatur."[t]

Lay baptism in cases of imminent danger was not merely *allowed* but even *enjoined* in the English branch of the Catholic church; and the tradition in favour of the practice is so ancient and so general as to appear absolutely conclusive. In this country it was usually performed by midwives.[u]

[o] Schram, ubi supra, § 932.
[p] Vide 3 Concil. Carthag. Can. 5, Carranza, p. 155. Item Bingham, Orig. Eccl. b. x. c. 2, § 16. Item Shurtzfl. Controv. xxx. § 6.
[q] See Bingham, b. xi., c. 4, § 4, &c.
[r] Carranza, p. 156.
[s] See Gent. Mag. December, 1785.
[t] Rationale, lib. vi. c. 83, num. 33.
[u] Bingham, b. ii., c. 20, § 9. See also his Scholastic History of Lay Baptism.

In the primitive church parents were so very generally sponsors to their own children, that St. Augustine found it necessary to prove that it was not absolutely essential that the parent should be sponsor to his child.[v] They were first prohibited from acting in that capacity by the 55th canon of the council of Mentz, in the time of Charlemagne.[w] (A.D. 815.)

The *Spiritualis Cognatio*, already noticed in connexion with marriage, was probably a superstition of much later times. (Vide supra, p. 186.)

Infant communion was a very ancient practice, and is said to have prevailed generally in the church for six hundred years. In the address of our countryman Ælfric to the priesthood at the delivery of the chrism, he says, "Ye should give the Eucharist to children when they are baptized, and let them be brought to mass that they may receive it all the seven days that they are unwashed."[x] This was written about A.D. 957.

Judging from analogy, baptismal registers must have been very ancient; for in England, as early as the year 678, the practice of registering *burials* most certainly prevailed.[y] The injunction however, set forth in the year 1538, that parish registers should be provided, is of itself a proof that the clergy must have been exceedingly negligent in this particular up to that period.

The doctrine of *Intention*, which applies to all the sacraments, and must reduce the people to a state of miserable uncertainty as to whether they have ever been validly baptized, or whether during the mass their *adoration* may not be directed to *a mere piece of bread*, is explained in a note to Wilk. iii. 11.[z] But over and above the possibility of the priest being a Jew, a heretic, or an infidel at heart, there are *many involuntary* "DEFECTS" which are supposed to hinder a valid consecration.[a]

The "*Disciplina Arcani*" in the primitive church implied a concealment of the sacred mysteries from those who did not belong to the "*household of faith:*" but it yields no support to the doctrine of *transubstantiation*, as Roman Catholics would fain have us believe.

This concealment extended to each of the following particulars:—

1. The mode of administering baptism.
2. The mode of administering the holy unction or confirmation.
3. The ordination of priests, &c.
4. The liturgy, or public devotions of the church.
5. The mode of celebrating the eucharist.
6. The mystery of the Trinity, the Creed, and the Lord's Prayer."[b]

[v] Epist. 23, ad Bonif. [w] Carranzæ Summa Concil. p. 505.
[x] Supplement to Soames' Anglo-Saxon Church, Lond. 1844, p. 15.
[y] Bedæ Hist. lib. iv. c. 14.
[z] In this chapter, *infra*.
[a] See the *Cautels*, in the Roman Missal, "De Defectibus circa Missam occurrentibus."
[b] Bingham, b. x. c. 5, per tot.

The mere fact of this concealment has been frequently alleged to explain the silence of the early fathers upon points which Roman Catholics consider of vital orthodoxy: but the argument will be worth absolutely nothing *until they can prove that these were the doctrines actually concealed.*

The doctrine of the Eucharist, as it is now held in the Church of England, *at least*, involves as great a mystery as what they themselves believe with respect to baptism, the rite of confirmation, or holy orders; *to all of which the* DISCIPLINA ARCANI *certainly applied:* and it is worthy of remark that many of the authorities cited by protestant divines *are from homilies which the fathers addressed to the faithful;* while, on the other hand, some of the most favourite quotations urged by our opponents to establish the doctrine of transubstantiation, *are from the works of* APOLOGISTS, *and addressed to the heathen emperors.* The celebrated passage in Justin Martyr's second Apology is a striking example of this; and indeed the argument itself, instead of being a useful auxiliary of the Roman Catholic polemic, *would deprive him of the testimony of antiquity altogether!*

§ III.—*The Anglo-Saxons did not believe in Transubstantiation.*

We are fortunately in possession of the most satisfactory proofs of the orthodoxy of the Anglo-Saxon church in this particular. In Johnson's collection of Ecclesiastical Laws, the following instructions are placed immediately after Ælfric's canons.[c] They were evidently addressed to the clergy when they came to fetch the chrism; and Johnson has shewn that they were in all probability a national form.

"I charge you that you take care of yourselves as your books direct you, and learn how you ought to act in the days now coming. Housel ought not to be hallowed on Long Friday, because Christ suffered for us on that day; but yet what concerns the day must be done: for two lessons are to be read, with two tracts, and two collects, and Christ's passion, and afterwards the prayers; and let them pay their adoration to the rood, and then let all greet God's rood with a kiss. Afterwards let the priest go to God's altar with the remains of the housel which he consecrated on (*Maundy*) Thursday, and with unhallowed wine mingled with water, and cover them with a *corporal;* and then presently say, '*Oremus,*' &c. Then let him put a particle of the housel into the chalice, but with silence; and then let *him* go to housel, and whoever pleases. Let no oil be put into the font, except a child be there baptized. Some priests reserve the housel that was hallowed on Easter-day all the year for sick men; but *they* do very greatly amiss who cause the holy housel to putrify, and are unwilling to understand how great

[c] Vol. i. ad ann. 957.

a satisfaction the Penitential directeth in relation to them, if the housel be putrified, or musty, or lost; or if a mouse eateth it through carelessness. For that housel which was hallowed to-day is altogether as holy as that which was hallowed on Easter-day: *that housel is Christ's body, not corporally, but spiritually;* not the body in which he suffered, but that body of which he spake when he blessed bread and wine for housel, one night before his passion, and said of the bread blessed, '*This is my body;*' and again of the wine blessed, '*This is my blood.*' Know now that the Lord who was able to change the bread into his body before his passion, and the wine into his blood, *in a spiritual manner*, he himself daily blesseth bread and wine, by the hands of his priests, *into his spiritual body and blood.* Let the priest always mingle water with the wine; for the wine betokeneth our redemption through Christ's blood, and the water betokeneth the people for whom he suffered."

The following is from the *Paschal Homily* of the Anglo-Saxon church set forth by public authority, and read in all the churches upon Easter-day.[d]

"Men have frequently inquired, and still often inquire, how bread, formed of grains of wheat, can be converted into Christ's body; or how the wine, which is expressed from many grapes, can by one benediction be changed into the Lord's blood . . . . . There is a great difference between the body in which Christ suffered, and the body which is hallowed to housel. Verily the body in which Christ suffered was born of the flesh of Mary, and furnished with blood, bones, skin, nerves, human members, and a rational soul: but his spiritual body, which we call the host, is collected from many grains, without blood, bones, limbs, or soul . . . . . The body of Christ which suffered death, rose from the dead, and will never die again, for it is eternal and impassible: but the host is temporary and not eternal; it is corruptible, and distributed into various parts; it is torn by the teeth, and transmitted into the belly. Lastly, this mystery is a pledge and a figure, but the body of Christ is the truth itself; for we have this till we attain unto the other, which when we have attained, this will be done away. As therefore, a little before he suffered, Christ was able to change the substance of bread and the creature of wine into his own body which was about to suffer, and into his blood which was afterwards to be poured out; so also in the wilderness did he convert the manna, and the water from the rock, into his flesh and blood . . . . . Moses and Aaron ate manna; Phineas also ate of it; many also ate of it who pleased God and have not seen death: and why? because they understood the visible food in a spiritual sense; they spiritually tasted, and were spiritually satisfied."

Among the literary treasures of the British Museum, there is a most interesting liturgical MS.; it is in Latin, but written in Saxon

[d] Usser. de Success. Eccl. cap. ii. p. 26. The Paschal Homily was published by John Day.

characters, and cannot be later than the end of the ninth century.[e] In this MS. the eucharist is called "*spiritualem hostiam;*" and in another very beautiful prayer, it is clearly intimated that it is only through faith that we are made partakers of the Lord's body.

Matthew of Westminster says, that in the year 1087, Berengarius had *many* followers in England: "Eodem tempore (*says he*) Berengarius Turonensis in hæreticam prolapsus pravitatem, *omnes* Gallos, Italos, *et Anglos*, suis jam *pœne* curruperat pravitatibus."[f] And Possevin says, that Baldwin, archbishop of Canterbury, wrote a treatise in England, in the year 1180, *Contra reliquias Berengarii*."[g]

Concilia Magnæ Britannlæ, &c., Edit. Wilkins, Vol. I.

Wilkins, Concil. i. 3.—*Canons of St. Patrick, &c.* A.D. 456.

Can. 29. If any brother wishes to receive the grace of God, let him not be baptized till he has fasted throughout one entire Lent. (*Antequam quadrigessimum agat.*)

Ibid. p. 5.—*Other canons of St. Patrick, of uncertain date.*

Cap. VII. It is ordained, that they shall not be re-baptized, who have received the tradition of the creed from any person; for the wickedness of the sower does not pollute the seed.

Cap. XIX. On the eighth day they are catechumens; after that let them be baptized on the Lord's festivals, *i. e.* Easter, Pentecost, or the Epiphany.

Cap. XXII. *On taking the eucharist after the commission of crime.* After the torture (*examinationem carnis*) it may be received, and especially on Easter-*night*, on which, if a man communicate not, he is not a christian. Let therefore the time (*assigned for penance*) be short and strict, rather than long and remiss, lest a faithful soul should perish, being so long deprived of this medicine: for the Lord hath said, "*Unless ye eat the flesh of the Son of man, ye have no life in you.*"

Cap. XXVI. Hear the Lord saying, "*A man may not dismiss his wife, except for the cause of fornication,*" as if he had said, that in such a case (*it was lawful*); wherefore if he should marry another, as if after the death of the first, he is not forbidden to do so.

Ibid. p. 30. Bede says,[h] A.D. 617, "After the death of Eadbald, king of the East-Saxons, his sons re-established idolatry in that kingdom; and when they saw the bishop (*pontificem*), during the celebration of mass, giving the eucharist to the people, inflated with a barbarous folly, they said to him, 'Why do you not give to us that beautiful (*nitidum*) bread which you used to give to our

[e] In MSS. Bibl. Harl. No. 2965.
[f] Flores Hist. edit. 1567, tom. ii. fol. 8.
[g] Apparat. Sacri. in Berengar. Turonens. See also in this chapter, Wilk. i. 361, and N. 95.
[h] Hist. lib. ii. c. 5.

father Saba?' to which he answered, 'If ye will be washed in that salubrious font wherewith your father was washed, ye may partake *of this holy bread;* but if ye despise the water of life, ye cannot receive the *bread of life.*' Upon which they said, 'We will not enter that font, because we know that we stand not in need of it; but, nevertheless, we desire to be refreshed with that bread.' And when they had been frequently and diligently admonished, that no one could lawfully partake of the *holy oblation* without that most holy washing, being at length aroused to indignation, they exclaimed, 'If you will not oblige us in such a trifling matter, you can no longer remain in our province.' And they expelled him, and commanded him to depart from their dominions with his followers."

WILK. i. p. 58.—*The ecclesiastical laws of Ina, king of the West-Saxons,* A.D. 693.

Cap. II. Let an infant be baptized within thirty nights (*nihta*). If this rule be not complied with, let (*the father*) make compensation with thirty shillings; and if he then die without baptism, let him make compensation with all his property.

IBID. p. 98. *Cuthbert's canons at Cloves-hoo,* A.D. 747.

Can. 23. That lay-boys who still retain their innocence, and adults who have forsaken their sins, be advised to communicate frequently, lest they grow weak for want of that heavenly food *and drink*, our Lord saying, "*Unless ye eat the flesh of the Son of man, and drink his blood, ye shall have no life abiding in you.*"

Can. 30. That the divine clemency be often supplicated for kings and nobles during their lives; and that the atoning sacrifice be frequently offered by many priests for the repose of their souls after death,—provided that during their lives they remember to prepare themselves for this benefit.

IBID. p. 102.—*Excerptions of Ecgbert, archbishop of York,* A.D. 750.

Ex. 12. That no presbyter shall presume to sell a sacred office, or the sacrament of baptism, or any of the spiritual gifts, for money.

Ex. 20. That all priests, with the greatest circumspection, shall adjudge proper degrees of penance to those who confess their sins to them, and mercifully administer to all sick persons before the end of their lives the viaticum, and the communion of the body of Christ.

Ex. 21. That according to the decree of the holy fathers, if any one be sick, he shall be anointed by priests with consecrated oil and prayer.

Ex. 22. That the priest shall have the eucharist always ready for the sick, lest they should die without the communion.

Ex. 38. Those laymen who communicate not on Christmas-day, Easter, and Pentecost, are not to be esteemed catholics.

Ex. 39. Penitents, according to the canons, ought not to communicate till they have fulfilled their penance: we however, according to the mercy of God, give permission to some (*to communicate*) after one, two, or three years.

Ex. 40. Let presbyters administer the *sacraments* of baptism indifferently to all who require it . . . . . requiring no reward, unless they, or their parents, or charitable persons (*eleemosynarii*), shall give any thing voluntarily.

Note. *Sacraments, i.e.* the sacred rites which accompanied baptism. In the English Church, the eucharist was anciently administered to infants immediately after baptism.

Ex. 41. It is determined concerning infants, that where proper witnesses of their baptism cannot be found, and they are too young to answer for themselves, they shall be baptized without scruple.

Ex. 42. There are some who mingle wine with the water of baptism improperly; and Christ did not enjoin baptism with wine, but with water.

Ex. 43. That no presbyter go abroad without the *chrism.*

Note. *i. e.* the consecrated oil used in baptism, &c.

Ex. 55. It is sufficient for a priest that he celebrate one mass in one day, because Christ suffered once, and redeemed the whole world.

Ex. 83. All the holy offices may be administered to idiots.

Ex. 90. Let betrothed persons, when they are blessed by the priest, be presented by their parents or brides-folk (*paranymphis*); and let them for that night remain in virginity, from reverence to the (nuptial) benediction.

Ex. 91. A presbyter ought not to be present at a feast made upon the occasion of a second marriage, especially as it is required that penance should be enjoined to second marriages.

Ex. 100. Let priests take care that the bread, wine, and water, without which mass cannot be celebrated, be pure and clean; for if they do not so, they will be punished with those who offered unto the Lord vinegar and gall.

Ex. 108. Let the man who marries on the Lord's night, do penance seven days; if on a Wednesday or Friday, three days; if in Lent, a whole year.

Note. *Nubo* is often used by canonists in an impure sense; *e.g.* they speak "de *nubendo* masculis brutis, &c." and de *nubendo* in ecclesiâ consecratâ."[1]

Ex. 111. Let married persons abstain for three nights before they receive the communion, and one night after.

Ex. 118. When a woman is dead, her husband may marry another at the end of *a month;* and after a year (*of widowhood*) a woman may lawfully receive another husband.

Note. The man was to remain unmarried a month for decency; the woman a year for decency *and the distinction of offspring.*

[1] Johnson.

Ex. 125, &c. If any one's wife shall become a slave, and cannot be redeemed, after the seventh year let him take another. If afterwards his former wife shall return from captivity, let him receive her, and dismiss the other. If a woman shall desert her husband, and will not return, he may marry another wife after five or seven years, if he cannot contain: and let him do penance three years, or as long as he lives, because, according to our Lord's sentence, he is convicted of adultery.

Note. Our reformers allowed a dissolution of marriage for *desertion, long absence, mortal hatred, &c.*[k] *Excerp.* 123, admits fornication as a ground of divorce, but forbids either party to marry during the other's lifetime; but the reformers, in all the cases specified, permitted a second marriage. *Excerp.* 127, talking of *concubines*, says that "God always forbid *such marriages*."

Ex. 131. If any man shall marry a nun, *or his godmother* (*commatrem spiritualem*), or brother's wife, or niece, or stepmother, or *cousin-german*, let him be accursed.

Ex. 133 and 139. Gregory says, "We decree that every one shall abstain from marriage *to the seventh generation; i. e.* so long as they know them to be akin.

WILK. i. p. 118.—*Penitential of Ecgbert, archbishop of York*, A. D. 750.

B. i. ch. 18. In baptism let a man receive (from the font) a female child, and a woman a male child; and let not the baptizer eat in the same house with those whom he has christened, nor kiss them.

Note. Wilkins' Latin is unintelligible, "*Baptizatus non comedat in domo cum baptizatis.*" But the Saxon word which he translates "*baptizatus*," is "*gefullod*;" and that which corresponds with "*baptizatus*" is "*gecristnedan.*"

B. iv. p. 139. If any one shall vomit the host from drunkenness or gluttony, let him fast forty days; if from weakness, *seven* days: and let him twice repeat the Psalter. If any one neglect the consecrated eucharist, and any impurity arise in it, so that it retains not its *form*, let him fast forty days. If a man cast the host into the fire or into a river, so that it becomes so putrid that it cannot be eaten, let him sing a hundred psalms.

If the host should become corrupt or too old, let it be burned.

If a dog should devour the vomit of him (*who hath ejected the host*), let such a person fast for a hundred days.

If a mouse should eat the host through the negligence of him who ought to keep it, let him fast for forty days.

Note. The *host* was a round, white, and flat wafer, consecrated in the eucharist. Disgusting as the above extracts are, they furnish us with a strong argument against *transubstantiation*, for can it be believed that the real body of Christ could become corrupt, or be swallowed by a mouse? Yet it is certain that Ecgbert must have either rejected the supposition of a corporal presence of Christ in the eucharist, or believed

[k] Reform. Legum—De Adult. &c. c. 8—10. [l] Conjugia.

that "*the Holy One*" of God "*had seen corruption*;"[m] for the mere *accidents*, taste and smell, must be incapable of corruption independently of their *subject*.

If a man shall eat before he goes to the eucharist, or (*immediately*) after the eucharist, let him fast for seven days.

WILK. i. p. 146.—*Council of Cealchythe*, A.D. 785.[n]

Can. 2. That baptism be performed according to the canons, and not at any other time, except in cases of emergency: and that all in general know the creed and the Lord's Prayer; and let those who receive children from the holy font, and answer for those who cannot speak (*for themselves*), for the renouncing of Satan and his works and pomps, and for believing the faith, know that they are their sureties unto the Lord according to their promise: and when they shall have attained to a competent age, let them teach them the aforesaid Lord's Prayer and Creed.

Can. 10. That the oblations of the faithful be such that it be *bread* and not *crust* (*which is employed*). We forbid also that the chalice or paten used in the sacrifice be made of an ox's horn, because they are (*formed*) of blood.

IBID. p. 169.—*Council of Cealchythe under Wulfred, archbishop of York*, A.D. 816.

Cap. II. When a church is built, let it be consecrated by the bishop of the diocese; let water be blessed and sprinkled by him, and let (*the ceremony*) be performed as it is directed in the ministerial book. Afterwards let the eucharist which has been consecrated by the bishop during this office, with other relics, be deposited in a casket, and preserved in the same church (*basilicâ*). And if he cannot procure other relics, yet may this be of the greatest service, *because it is the body and blood of our Lord Jesus Christ*.

Cap. V. That no person of Scottish extraction be allowed to exercise the sacred ministry in any diocese, either in baptism, the celebration of the mass, or administering the eucharist to the people; for we are uncertain how or by whom they were ordained: and we ought particularly to reject the receiving of the sacraments from foreign nations, in which there is no such order as that of metropolitans.

Cap. XI. That no bishop invade the *parish* of another by consecrating or ordaining; with the exception of the archbishop, because he is the head of the bishops (*in his province*). Also that no priests usurp a larger share of business than has been allotted to them by their own bishops, except only in baptizing, or in visiting the sick. But we command all presbyters to refuse the ministry of baptism to no one *in any place*, on pain of suspension. Let presbyters also know, that when they administer baptism they ought not to pour the consecrated water upon the infants' heads, *but let them*

[m] See Acts ii. 27, &c.

[n] See p. 26.

always be immersed in the font; as the Son of God himself afforded an example unto all believers, when he was three times immersed in the river Jordan.

WILK. i. p. 216.—*Ancient constitution respecting espousals,* A.D. 944.[o]

Cap. I. If a man will marry a virgin, let him first promise and covenant with the bridesman that he will keep her according to God's law, and let his friends be his sureties.

Cap. II. Then let it be ascertained who is bound to supply them with necessaries.

Cap. III. Then let the espouser specify what he will endow her with, and also what he will give should she outlive him.

Cap. IV. When this has been agreed upon, it is just that she should enjoy half his property, and the whole of it should they have a child, unless she marry again.

Cap. VI. Should they agree in all these particulars, then let her kindred come and espouse their relation to him, and let them take security.

Cap. VII. If he should wish to take her from that place into the district of another thane, let security be given that her husband will do her no injury; and that if she should commit a crime for which the kindred ought to make compensation, (*that they will do so*).

Cap. VIII. Let the mass-priest (*mæsse preost*) be present at the nuptials, for he ought to join them together with God's blessing.

IBID. p. 218.—*Laws of the Northumbrian priests,* A.D. 950.

Can. 10. Let every infant be baptized within nine days, upon pain of six *ores:* and if the infant die a pagan within nine days, let his parents make satisfaction to God without any earthly mulct; if after he is nine days old, let them pay twelve *ores* to the priest besides.

Can. 14–17. If a priest should celebrate mass without a consecrated altar, or hallow the eucharist in a wooden chalice, or celebrate mass without wine, or be careless of the housel, let him pay twelve *ores.*

Note. Yet wooden chalices seem to have been the most ancient. "Formerly (exclaimed Pope Boniface) golden priests used wooden chalices, but now golden chalices are used by wooden priests."[p]

Can. 18. If a priest celebrate mass more than three times in one day, let him pay twelve *ores.*

IBID. p. 226.—*Canons made in king Edgar's reign,* A.D. 960.

Can. 15. That every infant be baptized within thirty-seven nights: and that no one delay too long to be confirmed by the bishop.

Can. 22. That every one learn the *Pater-noster* and the *Credo,* if he desire to lie in a consecrated cemetery, or to receive the holy

[o] Text. Roffen.

[p] Cabassutii Notit. Concil. p. 555.

eucharist; for he is not a good christian who is not willing to learn this, nor can he lawfully raise others from the font, or receive the hand of the bishop in confirmation, till he hath first learned this.

Can. 32. That a priest never celebrate mass without book.

Note. Lest from ignorance or forgetfulness any of the essential parts of the *canon* should be altered or omitted. In the primitive Church the sacramental service was always recited *memoriter*, (Bingham, *Orig. Eccl.* B. XIII. c. 5. § 3), and so it is, I believe, in the Greek Church to this very day.

Can. 35. That no priest celebrate mass alone, unless he have some one to respond to him.

Can. 36. That every one receive the eucharist *fasting*, unless he should be prevented by extreme sickness.

Can. 37. That no priest celebrate mass more than three times in one day at the utmost.

Can. 38. That a priest have the eucharist always ready, and let him beware that it grow not old, so that it cannot be received: in that case let it be burnt with pure fire, and let the ashes be placed under the altar.

Can. 39. That a priest presume not to celebrate mass unless he have all things which belong to the holy eucharist, viz. a pure oblation, pure wine, and pure water. Woe to him who shall begin the mass till he have all these things, or who adds to them any thing which is unclean; for this is like what the Jews did, when they mingled vinegar and gall together, and then offered it to Christ as an insult.

Can. 40. That the housel which has been consecrated, be not consecrated again.

Can. 42. That a light always burn in the church when mass is sung.

Can. 44. That no married woman approach the altar during the celebration of mass.

WILK. i. p. 251.—*The canons of Ælfric to Wulfinus a bishop*, A.D. 970.

Can. 9. Let no priest be present at a second marriage, nor bless the conjunction; but let him show that it would have been better for them to live chastely. A layman may nevertheless contract a second marriage when his wife is dead.

Can. 29. Let no priest drink immoderately, nor force others to get drunk; for he ought to be prepared, and to have the use of his understanding, if an infant is to be baptized, or a sick man to be houselled; and although this should not occur, yet he ought not to get drunk.

Can. 31. He ought to give the eucharist to the sick (*only*) so long as the sick person can swallow it. Let it not be administered if the man should be half dead, for Christ has commanded that the eucharist shall be *eaten*.

Can. 32. Let the priest have consecrated oil of two sorts,—one

for (*the baptism of*) children, and the other for the sick, and let him always anoint the sick as they lie in bed.

Note. The *chrism*, or oil used in the baptism of infants, was composed of oil olive, and balsam; to which the Greeks add thirty-three other aromatic substances. The oil for anointing the sick was plain oil olive; both were consecrated by the bishop, and given to the priests on Holy Thursday.[q]

[*Can.* 35. "Men ought not to eat or drink intemperately in God's house, which is hallowed to this purpose, that *the body of God may be there eaten with faith.* Yet men often act so absurdly, as to sit up by night, and drink to madness within God's house, and to defile it with scandalous games and lewd discourse."[r]]

WILK. i. p. 266.—*Capitula made in the reign of king Æthelred*, A.D. 994.

Cap. v. We also charge you, that either you yourselves, or your servants in your presence, bake *the eucharistical breads which ye offer unto God in the holy sacrament*, that ye may know that they are made in a clean and proper manner.

Cap. XVII. If any one shall bring a sick infant to a priest, *to whatever priest's district he may belong*, let him instantly baptize him.

Cap. XXII. It was anciently decreed, that no one who is ignorant of the *Credo* and *Pater-noster*, should *support* any one either at confirmation or at baptism (*in quality of sponsor*), unless he be of such an age that he cannot learn them.

Cap. XLI. Men ought to communicate every Sunday during Lent, also on (*Maundy*) Thursday, (*Good*) Friday, Easter-eve, Easter-day, and all the days in Easter-week, unless they be excommunicate.

Cap. XLIV. Let people take the holy sacrament of Christ's body *and blood* with reverence and awe; and let them first purify themselves with fasting and alms, and abstain from their wives; for it is very dangerous if a man receive it carelessly, and also if he abstain too long from it. And let no one receive it without the permission of his shrift. There are, however, many monks and widows of so holy and religious a life, that they may communicate every day if they please.

Note. From this it appears that there was a daily communion in monasteries; and also that the laity received in both kinds.

Cap. XLV. We enjoin priests, who on Sundays or other festivals desire to celebrate mass before high-mass, that they do so privately, so that they may draw away no part of the congregation from the high-mass: for it is a shameful custom of many people, that they like to hear mass early in the morning, and immediately after, from the early part of the morning throughout the whole day, serve their bellies with drunkenness and gluttony, and not God. We command

[q] Schram, Instit. Theol. iii. 148 and 492.

[r] *Johns.* not published by Wilkins. It ought to have been placed between *Can.* 34 and *Can.* 35 in the '*Concilia*' (i. 255), and the numerals altered accordingly, so as to have 36 canons altogether.

therefore, that no man shall taste any food before the completion of high mass; but let all persons, both women and men, assemble at high-mass in the holy and spiritual church, and there hear high-mass, and the preaching of God's word.

WILK. i. p. 349. In *Lanfranc's constitutions*, A. D. 1072, when he explains the nature of the *sacrist's* office, he says: "To him belongs the care of making *hosts*, which ought to be done with the greatest cleanliness. In the first place, if it be practicable, let the corn be chosen with great care, grain by grain, and then put into a clean new bag, made for the purpose, and carried by a trusty servant to the mill. When it has arrived there, let the servant cause some other corn to be first ground in the mill, that the wheat from which the *hosts* are to be made may be afterwards ground without any impurity. When it has been brought back, let the sacristan prepare a place within the circuit of the apse (*in circuitu cortina*), and a vessel in which the flour ought to be kneaded. He himself is to do this, vested in an *albe*, and his head being veiled with an *amyt*. But on the day on which the hosts are to be made, let the sacristan, and the brethren who are to assist him, before they begin, wash their hands and faces: let them have *albes* on, and let their heads be covered with *amyts*, with the exception of the brother who is to hold the iron pan. Let one of them, upon a very clean table, sprinkle the flour with water, and strongly knead it with his hands; and let the brother who holds the iron pan in which they are to be baked, have his hands covered with gloves. In the interval, while the hosts are made and baked, let the said brethren repeat *the canonical hours*, or, if they prefer it, *the Psalter* in order. Let them entirely abstain from conversation; yet he who holds the pan may, if it be necessary, briefly give directions to the servant who makes the fire and carries the wood, which ought to be very dry, and carefully prepared several days before."

Note. Towards the end of the paragraph, it is provided, that if the sacristan has been guilty of any neglect of duty, "ante *gradum satisfactionum*, prosternatur quousque ipsa collecta usque ad '*benedicamus Domino*,' finiatur." On this '*step of satisfaction*' (wherever it was) the penitent knelt apart from the congregation publicly disgraced before them all. I have ventured on the above translation of the very obscure expression '*in circuitu cortina*' (*cortinæ*?) on the strength of a passage in Twysden's '*Scriptores Decem*' (Col. 1303) which describes two towers (or circular chapels) as having been placed "ad *circisum*" on each side of the choir of Canterbury cathedral. But after all it may simply mean a place curtained round, or a place to the east of the choir-arch where the veil hung during Lent.

IBID. p. 350. *From the same document.* "When through any neglect, the body or blood of Christ hath fallen to the ground, or into any other place, so that it cannot be fully perceived whither it hath fallen, let notice be given to the abbot or the prior as soon as possible, who is immediately to go to the place accompanied by some of the brethren; and if the body hath fallen, or the blood

been spilt upon a stone or the ground, matting, tapestry, &c. let the piece of matting, tapestry, wood, or whatever it may be, be cut off and thrown into the sanctuary. But if the place where it fell cannot be certainly known, let the place *near which* it is supposed to have fallen be cut off or scraped, and the scrapings be placed in the sanctuary: but let those through whose fault it happened, humbly confess their fault in the next chapter, and being stripped, let them endure castigation (*judicium nudi suscipiant*), and let penance be also enjoined them. When they have returned to their places, let all the priests who are then present rise and devoutly offer to endure castigation. Then let him who presides at the chapter retain only seven of them, such as he shall appoint, to receive (*bodily*) correction, and command the others to return to their seats. When the chapter is concluded, let all prostrate themselves, and together say the seven (*penitential*) psalms in the minster, after they have left the chapter room. Then let them say the *Pater-noster;* then "*Et veniat super nos miserecordia tua Domine; ne memineris iniquitatum nostrarum; Dominus vobiscum*; *oremus*;" then, "*Exaudi Domine, preces nostras, et confitentium tibi parce peccatis, ut quos conscientiæ reatus accusat, indulgentia tuæ miserationis absolvat*, per Iesum Christum, Dominum nostrum."

Wilk. i. p. 361. *The letter of archbishop Lanfranc to Donatus, an Irish bishop,* A. D. 1073, is exceedingly valuable, as it proves that infant communion was still practised in England; that the *cup* was not yet withheld from the laity, and that there were *many* in England who at this time did not believe in *transubstantiation.* His words are these: "You may be assured, then, that neither the foreign churches, nor we English, hold such a doctrine concerning infants as you suppose, (viz. *that the holy communion was absolutely necessary to their salvation*). For we believe in general, that it is of great service to all *of every age*, whether living or dying, to fortify themselves by the receiving of the Lord's body *and blood;* yet if nevertheless it should happen that persons depart this life immediately after baptism, and before they receive Christ's body and blood, God forbid that we should believe that they therefore eternally perish." The passage which proves that transubstantiation was at least not universally received in England, is as follows: "Which opinion St. Augustine thus expounds in his work, '*De Doctrinâ Christiana.*' 'He seems here (viz. in John vi.) to command a dreadful crime: *it is therefore a figure*, enjoining us to communicate (*in the faith of*) the Lord's passion, and sweetly to store up in our minds (*the belief*) that his flesh was wounded and crucified for our sakes,' By a *figure,* here he means a figurative expression; for he does not deny the truth of Christ's flesh and blood, which was, *and is,* the opinion of *many* schismatics."

Note. Still earlier than this, (*i.e.* A. D. 940,) we read that archbishop Odo .... "had a violent controversy with the clergy of Canterbury concerning the bread of the eucharist: *some affirmed that after con-*

secration it retained its former substance, and that the bread was only a FIGURE *of the body of Christ, and the wine of his blood.*"[s] And *Malmsbury* says of Odo, "He confirmed (*in the faith*) MANY who doubted concerning the truth of our Lord's body, by showing the bread of the altar openly turned into flesh, and the wine of the chalice into blood; after which, by restoring them to their former appearance, he made them fit for the use of man."[t]

WILK. i. p. 365.—*Council of Winchester, under Lanfranc,* A.D. 1076.

Can. 6. That the sacrifice be not of ale (*cervisiâ*), or of water alone; but only of wine mixed with water.

Can. 7. That baptism be celebrated only at Easter and Pentecost, unless there be a danger of death.

Can. 11. That for (*grievous*) crimes bishops alone give penance.

IBID. p. 383.—*Council of London, under archbp. Anselm,* A.D. 1102.

Can. 20. That monks be not godfathers, or nuns godmothers.

Can. 25. That kindred, to the *seventh* degree, may not lawfully intermarry.

IBID. p. 408.—*Legatine council at London, under John de Crema,* A.D. 1126.

Can. 2. We also charge that no fee whatsoever be exacted for the chrism, baptism, penance, the visitation of the sick, (*extreme*) unction, for the communion of the body of Christ, or for burial.

Note. In another council, held at London, A.D. 1138, the same prohibition is renewed upon pain of excommunication, with the additional clause, "*or for espousals.*" In another council, held at Westminster, A.D. 1175, *Can.* 7, the words "*or for dedication*" are added; priests were, however, permitted by this canon to receive any thing offered voluntarily. In the fourth constitution of Otho, the cardinal legate, A.D. 1236, we read: "We hear a horrible report that some priests receive fees for (*the ministry of*) the altar. Let offenders be removed from their benefices."

Can. 3. We ordain also and decree by the apostolic authority, that at the consecration of bishops, the benediction of abbots, or the dedication of churches, no cope, carpet (*tapetæ*), handkerchief, basin (*baccinia*)), or any thing else, shall be demanded as a matter of obligation, (*or accepted*) unless it be voluntarily offered.

IBID. p. 415.—*Legatine council at Westminster, under Alberic, bishop of Ostia,* A.D. 1138.

Can. 2. That the body of Christ be not reserved above eight days, or carried to the sick except by a priest *or a deacon,* or in a case of urgent necessity, *by any one,* with the greatest reverence.

[s] Edmer ap. Parker's Antiq. Brit. Eccl., Hanov. 1605, p. 78.
[t] De Gest. Pontif. lib. i. p. 114.

WILK. i. p. 472.—*Council of Cashel, under Henry II.*, A.D. 1172.

Can. 1. That children be brought to the church, and be baptized there in pure water *with a threefold immersion;* and that this be done by priests, unless where there is imminent danger of death, *when it may be administered by any one, without distinction of sex or order.*

Note. It appears that in Ireland before this time, immediately upon the birth of a child the father used to plunge him three times in water, *or, if he could afford it, in milk,* superstitiously leaving out *the right arm,* that he might be valiant in war.—See O. Halloran's *History of Ireland,* vol. iii. p. 381.

IBID. p. 473.—*From another council of Cashel, held about the same time.*

Can 1. That all Christians in Ireland, repudiating their (*incestuous*) connexions with their kindred and relations, contract lawful marriages.

Can. 2. That infants be *catechised* before the doors of the church, and be then baptized in the font, in *baptismal churches.*

Note. The word *catechised* alludes to the question put to the infant before baptism, though of course answered by the sponsors: "Wilt *thou* be baptized into this faith?" In this age all churches had not the right of baptism.

IBID. p. 474.—*Council of Westminster,* A.D. 1173.

Can. 9. For communion, chrism, baptism, extreme unction, or burial, let not *a penny,* or any fee be exacted.

Can. 26. Let there be no *intinction* of the body in the blood of Christ.

Note. The Armenian Christians receive, I believe, by *intinction,* a piece of bread dipped in wine being given to each communicant: and there is still a rubric in the Roman missal, "*Le prêtre mêle dans le calice une petite partie de l'hostie qu'il a rompu en trois et dit:* 'Hæc commixtio et consecratio corporis et sanguinis Domini fiat accipientibus nobis in vitam æternam.'"

IBID. p. 478.—*Council of Westminster,* A.D. 1175.

Can. 18. Where there is no mutual consent there is no marriage; those therefore who espouse infants to each other in the cradle, do nothing, unless they both consent when they arrive at the years of discretion.

IBID. p. 501.—*Legatine council of York, under Hubert, archbishop of Canterbury,* A.D. 1195.

Cap. I. Let the minister of the altar be certain that bread, wine, and water, are placed ready for the sacrifice, nor let (*mass*) be celebrated without a literate minister. Let the host be kept in a clean pyx, and renewed every Sunday.

Cap. II. When the communion is to be administered to the sick, let the priest himself in a clerical habit carry the host, with a light borne before him, unless the roughness of the weather should prevent it.

Cap. III. Because the *secretum* of the mass is often found to be corrupted, either through the mistake of the scribe or the age of the books, so that it cannot be distinctly read, let archdeacons take care that in every church the canon of the mass be corrected according to a true and approved copy. We forbid also any priest to enjoin any layman who comes to him for penance to cause masses to be celebrated with an avaricious motive. We also forbid any priest to make a bargain respecting the fee which he is to receive for the celebration of masses, but let him receive that which is (*voluntarily*) offered at the mass.

Cap. IV. We command that in baptism no more than three (sponsors) receive a child from the holy font; viz. two men and one woman for a boy, and two women and one man for a girl: but wheresoever a child whose baptism is not certainly known shall be found exposed, *whether with salt or without*, let it be baptized: "*Cum non intelligatur iteratum, quod nescitur fuisse collatum.*"

Note. Those who exposed the children probably placed salt near them, as a token that they had been baptized.

Cap. V. We decree also, that, except in cases of the most urgent necessity, a deacon shall not baptize, or administer the body of Christ to any one, *or enjoin penance to one who confesses his sins.*

WILK. i. p. 505.—*Council of London* (*or Westminster*), *under archbishop Hubert*, A. D. 1200.

Can. 1. That the words of the canon (*of the mass*) shall be pronounced clearly (*rotundè*), and neither curtailed by a rapid pronunciation, nor drawled out.

Can. 2. Unless in cases of urgent necessity, a priest may not celebrate twice a-day. When he does, let nothing be poured into the chalice after the receiving of the blood; but after the first celebration let the drops be diligently supped up from the chalice, and let the fingers be sucked or licked with the tongue and washed: the washings being reserved in a clean vessel used only for that purpose, and they are to be drunk after the second celebration; unless a deacon or some other considerable minister be present, who may drink the washings at the first celebration. And let there be a certainty respecting the Eucharist, so that an unconsecrated host be not mistaken for a consecrated one.

Note. At every mass, after the receiving of the cup, some water is poured into the chalice: but on this occasion the priest might not drink these washings, because he would have thus broken his fast, and disqualified himself from saying mass a second time. None but a deacon, &c., might drink these washings, because it was presumed that some par-

ticles of the blood remained in them: yet the constitutions of Richard, bishop of Sarum, allow any innocent person to drink them.[u]

Can. 3. That no person be held *at confirmation* by his father, mother, or step-father, or step-mother; and that deacons may not baptize *or impose penance*, unless the priest should be unable, absent, or foolishly unwilling (*to do so*), and the child or sick person be in danger of death. In cases of danger, however, a child may be baptized by a laic, or by his father or mother, *without prejudice to matrimony;* and let those (*ceremonies*) which follow the immersion (but not those which precede it) be afterwards supplied by the priest.

Note. By this *canon*, and by the fifth *cap.* of the council of York, (A.D. 1195, Wilk. i. p. 501, &c.) it is evident that *in some cases* at least a deacon might hear confessions and impose penance. The words "*without prejudice to matrimony*," allude to an opinion which at one time prevailed in the church, viz. that, by baptizing or becoming sponsor to his child, a father contracted such a spiritual relationship, that all further intercourse with his wife would be incestuous.[v]

Can. 11. Let not a man contract marriage with a relation of his former wife; *and let not a godson contract marriage with the daughter of the person who baptized him, or with the daughter of his sponsor, born before or after.* Let not persons be married till a threefold proclamation has been publicly made in the church.....unless by the special authority of the bishop. No married person may go a distant journey, till it be publicly known that he does so by mutual consent.

WILK. i. p. 531.—*Constitution of archbishop Langton,* A.D. 1209.

Let no man presume to celebrate (*mass*) twice in a day, except on the days of our Lord's nativity or resurrection, or when a corpse is buried in a church to which it belongs.

IBID. p. 576.—*Council of Durham, under Richard, bishop of Durham,* A.D. 1220.

Let fonts, the chrism, and the holy oil, be kept under lock and key, on account of enchantments.

When a child hath been privately baptized by a layman, let the water, from respect to the sacrament, be either poured into the fire, or into the baptistry at the church; and let the vessel (*used on the occasion*) be either burnt or applied to the use of the church.

If, through the negligence of his parents, a child should remain *for seven years* or more unconfirmed, let both his father and mother be suspended from entrance into the church till he be confirmed. In this sacrament, as well as in baptism, a spiritual relationship is contracted between the godfather and the godmother of the child, &c.

Note. For godfathers, &c., were required at confirmation as well as at baptism: and in our English liturgy there is a rubric at the end of

[u] Spelm. ii. 148, Johnson. [v] See Gratian's Decretal, pars. ii. causa 30, per tot.

the catechism to this effect—"*And every one shall have a godfather or a godmother as a witness of their confirmation.*"

Jesus Christ, being about to leave the world, prepared a feast for his disciples, verily refreshing them with his own flesh and blood, under the appearance of bread and wine; the bread being *transubstantiated* into his body, and the wine into his blood, by his divine power. Ye ought moreover to instruct *the laity*, as often as they communicate, that they doubt not at all concerning the verity of Christ's body and blood: for *that* they indubitably receive which hung for us upon the cross, *and that they receive in the chalice which was poured from Christ's side;* and as Augustine says, "*Hoc bibunt credentes, quod prius fuderunt sævientes.*"

Note. Hence it is evident that communion under both kinds was not at this period wholly discontinued in England.

When women come to their purification after childbirth, let priests only give them *blessed bread*, and on no account the body of Christ, unless they expressly desire it, and have first confessed.

Note. In the primitive Church, when the Eucharist was celebrated with bread and wine offered by the people, some of the loaves were retained and *blessed* (but not *consecrated*) and sent to foreign Churches in token of communion, as also to such of the faithful as were not able to be present "vice Eucharistiæ." These were termed *Eulogiæ*. See Bingham, b. xv. c. 4. § 3 and 8. Item, Schurzfl.isch, *Controv.* xxx. p. 573, &c.

That marriages be not celebrated in taverns, and that the ring be not made of rushes (*junco*), or of other vile materials.

Let priests warn pregnant women in their parishes, that when the time of parturition approaches, they have water in readiness (*to baptize the child in case of emergency*), and that they also confess.

Let priests frequently warn the people that the sacrament of extreme unction may lawfully be repeated, viz. in any dangerous illness in which danger of death is apprehended. Let them also assure their parishioners, that after receiving this sacrament the conjugal act may be lawfully performed.

Wilk. i. p. 594.—*Statutes read in the council of Oxford*, A. D. 1222.

Let not above three persons be admitted *to raise a child from the holy font.* When there is any doubt concerning baptism, let it be administered thus, "*Si non es baptizatus, baptizo te,*" &c. Further, let the *chasubles* (*casulæ*) which are put upon the newly baptized, from reverence to the sacrament, be applied to the use of the church.

Ibid. p. 614.—*Provincial council in Scotland*, A. D. 1225.

Can. 55. When a child has been baptized by a layman, let him be afterwards brought *to the door of the church*, and let the priest supply that which is wanting, viz. a little salt, and the anointing of his ears and nostrils with saliva. Let also the *exorcisms* be pronounced, and let all the accustomed ceremonies be observed at the font, except the consecration of the water and the immersion.

Can. 60. That the priest after the Eucharist may give to the sick person the washings of his fingers.

Can. 61. That extreme unction may be administered to all who are fourteen years old.

Can. 65. We forbid marriage between those who stand sponsors for the same child; also between persons who have had the same sponsors; also between the godchild and the godfather or godmother, or their child.[w]

Can. 76. All Christians ought to receive the Eucharist on Easter-day: we have however been grieved to hear that some priests impudently refuse to administer it, unless the people first offer their oblations at the altar; and that they on such an occasion exact money from the people, holding the body of Christ in their hands exactly as if they said, "*What will you give me, and I will deliver him unto you?*" which we strictly forbid.

WILK. i. p. 623.—*Constitutions of William de Bleys*, A.D. 1229.

Cap. I. It is enough that a sick person receive the body of our Lord once in a week, and extreme unction once in a year.

IBID. p. 628.—*Inquiries made in the diocese of Lincoln*, A.D. 1230.

In. 27. Whether any priest celebrates with vinegar?

IBID. p. 640.—*Constitutions of Alexander, bishop of Coventry*, A.D. 1237.

There is nothing more sacred than the sacrament of the altar: for if we should be asked, *Where is our God?* we can now say, *Here is our God*, who is daily seen upon the earth, whilst he is daily elevated by the hands of the priest. At the last elevation let the little bell first sound, which is as it were a small trumpet announcing the arrival of the judge, and the joy shall be threefold, because there is the flesh, there the soul, and there the *Word* of *God*.

Note. In plain English, the bell was to be rung three times to give the people notice to adore.

IBID. p. 650.—*Legatine constitutions of cardinal Otho*, A.D. 1237.

Cap. II. For the sake of the ignorant we have thought fit to define *which*, and how many *principal* sacraments there are. They are, then, baptism, confirmation, penance, the eucharist, extreme unction, matrimony, and orders.

Note. From the context, this information was evidently intended for the instruction *of the clergy!* The word "*principal*" deserves especial notice.

Cap. III. The sabbath before Easter, and that before Pentecost, have been appointed by the holy canons for the solemn administration of baptism; but some in these parts, deceived by the devil, suspect danger if their children are baptized on these days.

[w] This is a paraphrased translation.

WILK. i. p. 657.—*Constitutions of uncertain origin, about* A.D. 1237.

Let the *chrismal clothes*, which are put upon the newly baptized, be brought to the church, and applied only to ecclesiastical uses.

Note. Such as mending the surplices, &c.

Let those who go to be confirmed take with them fillets or ligatures of a proper breadth and length. Children, by the reiteration of this sacrament, *if they be males*, incur an irregularity.

Let the reserved hosts (i.e. *such as had been consecrated before*) be eaten by the celebrating priest, after he has received that which has been newly consecrated, but before he receives the cup; and let him not kiss the host before he gives the pax. Also, if he shall receive the host from the paten, as some do, let the paten be carefully washed after mass.

IBID. p. 668.—*Constitutions of Walter, bishop of Worcester,* A.D. 1240.

We command also priests that they strictly forbid their parishioners either to espouse themselves, or to be present at the espousals of others, except with fasting spittle (*nisi jejunâ salivâ*), before proper witnesses, and in the presence of a priest. Let those who act otherwise be sent to the bishop to be punished.

On pain of excommunication we prohibit the espoused from having any carnal intercourse with each other before matrimony; otherwise let them come four times in a year to the cathedral church, and publicly undergo the *discipline* (i.e. the scourge) before the great (west) door, and also in the principal streets. On other fast days let them receive the *discipline* in their own parishes.

There are some persons who, when they recover after having received extreme unction, consider it a crime either to cohabit with their wives, or to eat flesh, or upon any occasion to walk with naked feet.....Some also have such a horror of receiving this sacrament, that they will hardly allow it to be administered to them in their last agonies; by which means probably many may die without it.

IBID. p. 713.—*Constitution of Giles de Birdport, bishop of Sarum,* A.D. 1256.

Women at their espousals, and women after childbirth, ought to come to the church with lighted candles: and the women who follow ought to offer the chrismal clothes (*chrismalia*) of the infants.

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WILK. ii. 48.—*Some regulations of Peckham, archbishop of Canterbury,* A.D 1280.

That the consecration of the holy chrism be made from year to year by the several diocesans; and what remains of the old chrism is to be burnt in the church. Priests are bound to demand the holy chrism from their respective diocesans every year; and if any one shall presume to baptize with any other than the new chrism, (unless where there is imminent danger of death,) he manifestly incurs a sentence of condemnation. Some however, reserving the old chrism for two or three years, horribly abuse it in baptism *and other sacrifices.*

Note. Lindwood (*in loco*) says, that he who goes to fetch the chrism must have three bottles, viz. one for the *chrism*, a second for the oil of the *catechumens*, (with which the party before baptism was anointed on the breast and between the shoulders,) and the third to hold the oil for the sick.[x]

IBID. p. 52.—*Abp. Peckham's constitutions at Lambeth,* A.D. 1281.

That priests are many in number, and few in merit, we learn by daily scandals: but we especially lament the great irreverence which they display with regard to the eucharist; that they consecrate it with accursed tongues, keep it with contempt, and neglect it so long that the species become corrupted. To remedy which danger, we decree that every priest, unless some canonical impediment should excuse him, do confess at least once a week; also that in every parish church there be made a decent *tabernacle*, with a door, in which the body of our Lord is to be kept wrapped in linen, and contained in a handsome pyx; and to be renewed every Sunday. At the elevation, let the bell be tolled on one side (*pulsetur campana in uno latere*), that people who have not leisure to be present at the celebration of mass, wherever they should happen to be, whether in the house or in the field, may bend their knees, and thus obtain the indulgences granted by many bishops.

Let priests moreover take care, when they administer the holy communion to ignorant persons, at Easter or any other time, to instruct them diligently that the body and blood of our Lord, yea, the whole living and true Christ, is given to them under the appearance of *bread.* Let them also be taught at the same time, that what is then drunk by them in the chalice is not a sacrament, but pure wine, given them that they may the more easily swallow the holy body: for *in these smaller churches*, those only who celebrate are allowed to receive (*the blood*) under the appearance of consecrated wine. Let (*priests*) also exhort (*their parishioners*) not to chew the sacrament after receiving it too much with their teeth, but after

[x] See here the first note in p. 198.

biting it a little, to swallow it whole, lest any particles (*of the host*) should remain in the interstices of their teeth.

Note. From the expression "in hujusmodi *minoribus* ecclesiis," it appears that even in the 13th century the cup was administered to the laity in *large* churches. Lindwood gives the following four reasons for not administering to the laity under both species:—

1. Lest it should be doubted that Christ is received whole and entire under either species.
2. That the antitype might correspond with his type; for no libations were offered under the law.
3. On account of the hazard of spilling blood.
4. That it would be neither decent nor safe to consecrate so much blood as might suffice for a large parish in which there are many thousand persons.

In cases of inevitable necessity, laymen or women may baptize children; and let them say, "*Ich cristin the in the name of the Fadyr, and the Sone, and the Holy Goost.*" Let priests also take care that they permit not names to be given to children at their baptism which bear a lascivious meaning, especially to females; and if such should be the case, let them be altered by the bishop at confirmation.

Note. Of old, the bishop used to pronounce the person's name at the time of confirmation; and if it was desirable that the name given at baptism should be altered, it might be done by the bishop pronouncing a new name when he administered the rite. This custom was continued in our reformed liturgy till the last review in the time of king Charles II.

That no person be admitted to the sacrament of the body *and blood* of the Lord, *except at the point of death*, unless he hath been confirmed.

WILK. ii. 131.—*Synod of Exeter, under Peter Quivil, bishop of Exeter,* A.D. 1287.

Cap. I. Whereas there are seven ecclesiastical sacraments: the first baptism, which is necessary to all, and without which there is no entrance to the kingdom of heaven . . . . Of these seven sacraments, baptism, confirmation, and orders, cannot be (*lawfully*) repeated.

Cap. III. We strictly enjoin parish priests to cause children to be confirmed as soon as possible after baptism: and that they may not, through the negligence of their parents, remain any longer unconfirmed, we command that infants receive the sacrament of confirmation *within three years after their birth.*

Cap. IV. Let priests take care that the oblations (*in the eucharist*) be made of wheat-meal and water, without any mixture of leaven; and let them be whole, white, and round. During the celebration of the mass let there be at least two lights, one of which shall be always made of wax.

When the eucharist is carried to the sick, let a small bell be carried before it, at the sound of which the faithful may be excited to worship the Lord's body: and lest it should appear burthensome to any person to render this service to his Creator, to all those who

shall do this with a pure heart, we mercifully relax thirty days of any penance which may have been enjoined them.

Lest, through the instigation of the devil, any doubt respecting the body of Christ should occupy the minds *of the laity*, before they communicate, let them be instructed by the priests that they receive the same (*body*), under the appearance of bread, which hung for their salvation upon the cross, *and receive that in the chalice which was shed from Christ's body.*

Note. CONCOMITANCE, which implies that the Body and Blood are both included in the wafer (as blood circulates through a living body), and the corrupt practice by which the laity were defrauded of the cup, must be considered as corollaries upon *Transubstantiation.*

By a comparison of this extract with archbishop Peckham's Constitution in 1281 (see p. 208) it will be seen that towards the end of the thirteenth century the cup was administered to the laity generally throughout the diocese of Exeter, while in other parts of the kingdom the privilege was restricted to cathedrals and larger churches. In some places perhaps even this exception was not allowed; but there was no uniformity of practice either in England or anywhere else till the year 1418, when the Council of Constance decreed—"Quod *licet in primitivâ Ecclesiâ hujusmodi sacramentum reciperetur a fidelibus sub utrâque specie:* tamen hæc consuetudo ad evitandum aliqua pericula et scandala est rationabiliter introducta." (Carranzæ Summa Conciliorum, Paris, 1678, p. 569.) I have quoted these words in the original Latin on account of the very important admission which they contain—that in the primitive Church the laity received the sacrament in both kinds.

Cap. v. If any one shall neglect to confess and communicate (*at least*) once a-year, let him during his lifetime be prevented from entering the church, and when he dies let him be refused christian burial.

Cap. VII. It is very clear that marriages ought not to be contracted without the authority of the church, and unless in the presence of a priest: should they, however, be contracted otherwise, let them not be dissolved on that account.

When matrimony is to be solemnized *in facie ecclesiæ*, let the priest openly, *at the church door*, question the contracting parties respecting their mutual consent.

Concerning the abjurations of harlots, we decree that those who are guilty (*of fornication*), shall bind themselves by an oath (*to abstain from each other*): for the second offence let them endure corporal punishment at the discretion of the judge: and if they afterwards offend, let the delinquents, without the exaction of an oath, contract in this form, "I from this time forward take thee to wife, if I shall hereafter know thee carnally."

WILK. ii. 175.—*Constitutions of the diocese of Sodor*, A.D. 1291.

Cap. I. In visiting the sick, let not priests administer the eucharist to any person without lighting a wax candle; and let the sick be exhorted to leave something according to their means towards the structure of the parish church.

Cap. XXVII. We forbid any priest to celebrate a marriage from (*the beginning of*) Lent, to the octaves of Easter.

Cap. XXVIII. We command also, that every chaplain, on pain of suspension for three years, shall not only cause the parties contracting, but also three or four of the relations on both sides, to swear that they know not of any impediment which should prevent their marriage, whose names shall be reduced to writing.

WILK. ii. p. 183.—*Statutes of Gilbert, bishop of Chichester*, A.D. 1292.

It has, alas, been commonly asserted, that in this our diocese some accursed persons have endeavoured to restrain the devotion of the people to the oblation of one penny, at the solemnization of matrimony, the churching of women, and other offices in which God himself has been usually honoured in the persons of his ministers, applying the remainder of the oblation to other uses, &c.

IBID. p. 294.—*Constitutions of Henry Woodlocke, bishop of Winchester*, A.D. 1308.

That we may imitate the devotion of our predecessors, we grant an indulgence of ten days to all our parishioners, who, being truly penitent, and having confessed, shall assist in holding up two lighted tapers (*torticeorum*) during the canon of the mass.

That parish priests shall not presume to spend the night out of their parishes, unless they have a reasonable cause, and leave a proper substitute: and if any one, through the absence or negligence of his parish priest, shall die without confession, the viaticum, or extreme unction, let him be *ipso facto* suspended from the celebration of divine offices, until he hath expiated his offence by a sufficient penance.

IBID. p. 512.—*Constitutions of archbishop Walter Reynold, at Oxon*, A.D. 1322.

If the person to be confirmed be an adult, he is to be admonished by his parish priest, first to confess; and let him come fasting to confirmation, and let the candidates bring with them fillets sufficiently large. Also let children who are confirmed be taken to the church the third day after confirmation, that their foreheads may be washed by the priests near the font, from reverence to the chrism; and then let their fillets be all burnt together.

Note. According to canonists, there are six ages of man: viz. 1. *Infantia*, which ends at the seventh year. 2. *Pueritia*, ending in the fourteenth year. 3. *Adulta ætas*, ending in the twenty-fifth or twenty-eighth year. 4. *Juventus*, which ends in the fiftieth year. *Ætas senilis*, ending in the seventieth year. 6. *Senectus*, from the seventieth year to the end of a person's life. The FILLETS were used to dry up the chrism, and then to bind up the forehead till it should be washed by the priest: and Lindwood remarks, that those who were confirmed in his time, religiously abstained from washing their heads for *seven* days, to represent the seven gifts of the Holy Ghost. (Lindwood in loc.)

Also let priests exhort the people, *i. e.* all who are fourteen years of age and upwards, to receive extreme unction.

Before matrimony is contracted, let priests interrogate the people, under pain of excommunication, (*to declare any impediment which they may know,*) by three public banns, on three Sundays or festivals distant from each other.

Note. Lindwood thinks it sufficient that the festivals be *distinct* from each other, so that the banns be not twice published on the same day. He is of opinion, for instance, that they might be published on the Monday, Tuesday, and Wednesday in Easter or Whitsun-week; for the Wednesday was in his time a festival in both these weeks.[y]

WILK. ii. p. 528.—*Constitution of Walter, archbishop of Canterbury,* A.D. 1325.

Verily the children of drunkenness and gluttony, whose god is their belly, of old introduced this corruption into the holy church, that, immediately after the receiving of the Lord's body upon Easter-day, unconsecrated oblations and wine should be presented to them in the church, where they sit, and eat and drink as they would in a tavern: from which custom we have learned by experience, that damnable errors have arisen in the holy church; for some irreverently and rashly come to the eucharist, that they may be preferred before others in these revels; and if the clergy should help some more bountifully than the rest, others murmur and threaten them. But, what is still worse, it is to be feared that some are led by the outward appearance of the bread into a damnable error, being unable to distinguish between the material food and the food of the soul, which is the very body of Christ: wherefore we command you to prohibit this in your several deaneries, on pain of the greater excommunication. Nor let any person think this constitution of ours harsh, since it was anciently decreed, that he who took the body of Christ in the morning should fast till the third hour; and that those who received at the third or fourth hour should fast till the evening. Wherefore christians of the present day should think it an easy thing to abstain till they reach their own houses, after the communion.

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WILK. iii. 11.—*Constitution of the diocese of Sodor,* A.D. 1350.

Cap. II. Let the host be made of wheat, round, and whole, and spotless; for the lamb was without blemish, and a bone of him was not broken, according to the verses—

> "*Candida, triticea, tenuis, non magna, rotunda,*
> *Expers fermenti, non mista sit hostia Christi,*
> *Inscribatur aquâ, non cocta, sed igne sit assa.*"

Note. The wafer was stamped with the letters $\overline{\text{ihc}}$ (the monogram of *Jesus*), or with a cross *Patée*, or any other emblem of the kind. The

[y] Johnson.

Greek Church differs from the Roman in the use of *leavened* bread, the form of which (called the *Corban*) may be seen in Picart, vol. v.

Also, when several hosts are consecrated, let the priest have his *intention* directed to all, and not to one only.

Note. The doctrine of *intention* is thus expressed in the seventh session of the council of Trent, *Can.* 11: "Si quis dixerit, in ministris, dum sacramenta conficiunt et conferunt, non requiri intentionem saltem faciendi quod facit ecclesia, anathema sit." What reflecting mind could contemplate such a doctrine without being reduced to the most miserable state of uncertainty? For how can any man be assured that the priest who baptized him was a true believer? In France, about the time of the Revolution, there must have been many atheistical priests, and the horrors of the Inquisition in Spain and Portugal are said to have frightened many Jews into a mere outward profession of christianity, who afterwards took orders: so that, upon their own principle, Romanists are constantly liable to worship *mere bread* as the eternal Son of God.

WILK. iii. p. 19.—*Constitution of John de St. Paul, archbishop of Dublin,* A.D. 1351.

That none of our subjects shall presume to celebrate clandestine marriages, where one or both of the contracting parties lie in a sick bed.

IBID. p. 88.—*Constitution of William de Whittlesey, archbishop of Canterbury,* A. D. 1370, in which he makes mention of a bull of pope Benedict XII., which authorises the diocesan to absolve from the penalty of suspension (incurred *ipso facto* by the canon law) such priests as should sanction second marriages by the sacerdotal benediction. The canon law considers second marriages in the light of *bigamy*.

IBID. p. 363.—*Articles of reformation, presented by the University of Oxford to the King,* A. D. 1414.

Art. XXVII. It has been frequently maintained by many, that if pagans and infidels, renouncing their heathenish error, desire to be purified in the baptismal font, their temporal goods are confiscated to the church; which opinion is said to hinder many Jews from being baptized. It would be pious and meritorious for the whole council to provide a remedy for this: for when Philip baptized the eunuch, he took not his chariot from him, nor the property which he had when he came to be baptized.

IBID. p. 579. In the *convocation,* A. D. 1460, a complaint was made of the number of clandestine marriages contracted by license and without banns; and it was proposed as a remedy, that the archbishop or his suffragans should not have the power of granting such licenses, unless where the banns had been published *twice,* on two Sundays or festivals distant from each other.

CHAPTER V.

ON CHURCHES AND CHURCH FURNITURE, VESTMENTS, &c.

§. 1. *Wooden Churches—Dedication of Churches—Miscellanies.*

Malmsbury tells us, that the first British church was built at Glastonbury, of wattles (or wicker-work) and thatched with reeds:[a] and although the rest of his narrative is of too legendary a character to be relied on, as far as regards the rudeness and simplicity of the materials, we have every reason to believe him; for the charter granted by king Canute to the abbot and monks of Glastonbury, in the year 1032, was solemnly ratified "in *ligneâ* basilicâ."[b]

We learn incidentally from Bede's History, that the Irish Scots, the missionaries of the north, built their churches of split oak and thatched them with reeds:[c] and when the monks of Lindisfarne settled at Durham, towards the end of the tenth century, they made use of wicker-work in the construction of two churches which they successively built there.[d]

Of this early simplicity, we have at least one existing memorial, the nave of Greensted church, in Essex, "being composed of the half trunks of oaks, split through the centre, and roughly hewn at each end, so as to let them into a sill at the bottom and into a plank at the top, where they are fastened by means of wooden pegs." This venerable structure was originally "twenty-nine feet nine inches long, by fourteen feet wide, and five feet and a half high at the sides which supported the primitive roof. The original east end has been removed to make way for a modern brick chancel. There is a doorway on the south side, but no traces of windows are to be seen, (if we except two lookern windows in the roof, which *may have been* included in the original plan). On the authority of local tradition, corroborated by two ancient manuscripts, it is supposed to have been erected as a temporary resting-place for the body of St. Edmund, K.M., about the year 1013. A representation of Greensted church may be seen in the '*Vetusta Monumenta*,' and also in the first monthly part of the *Saturday Magazine*,[e] from which the above account has been condensed.

At the period of the Domesday survey, there were many wooden

[a] Apud Spelm. Concil. i. 4 et 11. [b] Wilk. i. 299. [c] Lib. iii. c. 25.
[d] Camden, edit. Gibson, 1695. col. 783. addit. n. i. [e] July 28, 1832, p 37.

churches in various parts of the kingdom; those of North Elmham and Shernbourn, in Norfolk,[f] being the first that occur to my recollection.

The first English church in which stone and glass were employed was erected about the year 680, by some foreign architects, whom Benedict, abbot of Wirral, had invited hither:[g] but the facts already stated prove that, subsequently to this, the adoption of these materials was by no means general; and for many years afterwards the *Britons* looked upon a stone church as a sort of miracle.[h]

From these mean and humble foundations, there gradually arose those splendid structures which are still the glory of our land.

Of the adaptation of heathen temples to the purposes of Christian worship, we have no distinct records; but it was recommended by Pope Gregory,[i] and in all cases where the temples of the renounced idolatry were of a firm and substantial character, and churches were immediately required, it was moreover recommended by its obvious practical expediency.

"*The Anglo-Saxon Ceremonial for the Consecration of Churches*," published in the ARCHÆOLOGIA, from a MS. of the tenth century,[k] agrees in many respects with that of the modern Roman *Pontifical*, of which I published an analysis a few years ago.[l] The principal ceremonies still in use within the pale of Romish communion are as follows. The night before the ceremony, the reliques which are to be enclosed in the altar are deposited in a tent erected outside the principal door, and lights are kept burning before them. A vigil is kept, and nocturns and matins are to be sung in honour of the saints whose reliques they are supposed to be. Twelve crosses are painted on the inner walls of the church, and a taper is kept burning before each.

One deacon is to remain inside the church by himself. The bishop and his assistants are all to be vested in white. There is a procession round the outer walls three times, during which the bishop is to sprinkle them with holy water, and when he comes to the great door he strikes it with his pastoral staff. At the third time they all enter in procession: ashes are sprinkled diagonally upon the pavement, in the form of a S. Andrew's cross, and the bishop, with the end of his pastoral staff, writes upon these ashes the letters of the Greek alphabet in one direction, and those of the Roman alphabet in the other. The twelve crosses upon the walls, and the five crosses upon each altar, are to be anointed by the bishop with the chrism: he mingles and blesses the mortar with which the reliques are to be closed up in the altar; after which he and the whole body of the clergy go in procession, and with many ceremo-

[f] Spelman's Icenia; item Blomefield's Norfolk. [g] Bedæ Hist. lib. iii. c. 4 et 25.
[h] Malmsb. ap. Fosb. Encycl. i. 87
[i] See Extract from Spelman, Concil. i. 89, at the beginning of this chapter, A.D. 601.
[k] Archæol. vol xxv.
[l] Christian Remembrancer, Dec. 1839, p 751, &c.

nies bring them from the tent into the church, where they are reverently placed in the cavity of the altar (called '*sepulchrum altaris*'), and closed up with the holy mortar. The above is, of course, only a very sketchy and imperfect outline of a ceremonial, the full description of which occupies some sixty pages in duodecimo.[m]

It is not a little remarkable, that as late as the year 1237, there were many churches *and even several cathedrals* (!) in England, which although erected long before had never been consecrated.[n]

The Roman Pontifical also contains a form for the *reconciliation* of a church which has been polluted by murder, adultery, or so forth.

To explain the difference which may be observed in the *orientation* of our older churches, it has been suggested, that before the foundations were dug, the parishioners used to watch all night in the churchyard, on the vigil of their patron saint, and took that point in the horizon on which the sun rose on the following day (*his festival*) for the east. So that those churches only stand due east and west which were built between the equinoxes.[o]

The anniversary of the dedication used to be celebrated as a *wake* or fair in the parish and its neighbourhood, and any one who visited a church upon such an occasion was supposed to be entitled to an indulgence of forty days.[p]

The custom of building churches in the form of a *Greek* cross, *i.e.* with the nave longer than the chancel, was first introduced into this country during the reign of Edward the Confessor.[q]

In a note upon the text of Wilkins' Concilia, in this chapter and section,[r] I have explained the manner in which funds were raised for the erection of cathedral churches; in addition to which, I shall here present the reader with a most interesting extract respecting the building of Crowland abbey, from the narration of Peter Blesensis, vice-chancellor to king Henry II.: "Prayers being said and anthems sung, the abbot himself laid the first corner-stone on the east side. After him every man according to his degree laid his stone: some laid money; others writings, by which they offered their lands, advowsons of livings, tenths of sheep, and other church tithes; certain measures of wheat; a certain number of workmen or masons, &c. On the other side, the common people, as officious, with emulation and great devotion, offered, some money; some one day's work every month till it should be finished; some to build whole pillars, others pedestals, and others certain parts of the walls." This occurred about A.D. 1112.[s] The grant of indulgences was also a great encouragement to those who might feel disposed to contribute, and by this means alone an ordinary church-brief produced sums which would appear incredible in the present age. The follow-

[m] Pontificale Romanum, edit. Paris. 1646.
[n] Wilk. i. 648.
[o] Fosb. Encycl. i. 89.
[p] See the second note in this chapter (to Spelm. i. 89.) Also, inscription in the round part of the Temple Church.
[q] Howelli Synopsis, &c. p. 76, &c.
[r] Wilk. i. 612, cap. 48.
[s] Camden's Britannia, edit. Gibson, 1695, col. 461.

ing is a specimen of one of these documents, and is taken from a brief of king Henry VIII. for the repair of Kirby Belers church, Leicestershire. "Also certayne patriarkes, prymates, &c., unto the nombre of sixtie-five, everie one of theym syngularly, unto all theym that put their helpyng handes unto the sayd churche, have graunted XL dayes of pardon; which nombre extendeth unto vij yeres and CC dayes, *totiens quotiens.*"[t]

§. 2. *Outlines of English Church Architecture.*

(I.) **Saxon Style**, from A.D. 600 to A.D. 1066.—In the construction of their churches the Anglo-Saxons imitated Roman models; as might naturally be expected, considering that Rome was the source from which their christianity had been derived, the birthplace of many of their prelates and clergy, and at that period the very focus of learning and civilization.

The doorways, windows, pier arches, and arcades, represented in Anglo-Saxon illuminations, or found in buildings which are supposed to belong to that period, are most commonly semicircularly headed, like those of the Norman style, and chiefly distinguishable from the latter by the rude simplicity of the masonry. In some of the earlier examples, (as at Brixworth, in Northamptonshire,) Roman bricks are radiated round these arches as from a centre, being set edgeways in the masonry. In other instances they are distinguishable from Norman arches, from the absence of ornamental mouldings: occasionally they are even without a dripstone, as in the case of Brigstock church, Northamptonshire.

Sometimes we find in these ancient buildings a sort of *triangular-headed* arch, resting upon plain imposts, of which there are examples at Brigstock, Barnack, and other churches; and this sort of arch is perhaps the surest criterion of an early date.

The occasional use of a rude balustre between two adjacent windows is never observed except in Saxon buildings, as at S. Benet's, Cambridge, and S. Michael's, Oxford. There is, moreover, a distinctive peculiarity in their *masonry*, the walls being of rubble or ragstone, with long and short blocks of hewn stone to protect the angles: indeed "the towers of the churches of Earls Barton and Barnack, Northamptonshire, and of one of the churches at Barton-upon-Humber, Lincolnshire, are so *covered* with these narrow projecting strips of stonework, that the surface of the wall appears to be divided (by this rib-work) into rudely formed panels."[u] It is not unlike the wooden frame-work of an old house.

For the detection of the above criteria, we are indebted to the researches of the late Mr. Rickman: but if we consider the great number of churches recorded in the Domesday survey, (when there were *two hundred and forty-three* churches in Norfolk alone); that the architecture of the Saxons and Normans were but modifications of

[t] Staveley's History of Churches, Lond. 1712, p. 100. [u] Bloxam, p. 36.

the same style, the *Romanesque;* and that, after all, what Rickman terms *"the Saxon style"* was perhaps nothing more than a variety of that which prevailed in England before the Conquest; it is reasonable to believe that *some* of the churches usually designated as Norman, *may* belong in reality to the Saxon period: especially in the case of small *undisturbed* churches; in places where churches are known to have existed before the Conquest; where they bear no traces of having been enlarged; and where there is no tradition of their having been rebuilt.

(II.) **Norman Style** (from A.D. 1066 till very nearly A.D. 1200.) The characteristic features of this style are the semicircular arch, the common heading of the doorways, windows, pier-arches, triforia, arcades, and niches. The windows of this style, round headed and narrow, have no mullions, but sometimes two are found together divided by a shaft.

The *arcades* of this style very frequently intersect, so as to form a regular pointed arch between them.

The walls and *piers* (which are oblong or cylindrical) are enormously thick in proportion to their height.

The church is usually cruciform, with a very low tower, of about a square, rising from the point where the nave, choir, and transepts intersect; and the east end frequently terminates in an *apse*, or semicircle, the prevailing character of the whole being a massive grandeur.

In the more elaborate specimens of this style, we sometimes find a series of arches on the wall, a few of which are pierced for windows, and the rest left blank; and they are frequently surmounted by an ornamental moulding, which decorates the heading, and is carried on from window to window as a string-course. Circular or wheel windows are sometimes found in Norman gables.

The principal doorway is usually deeply recessed, widening gradually towards the outside, and richly ornamented with bands of moulding supported by columns.

There are about forty different mouldings belonging to this style, but of these the *cheveron* or zigzag, and the *billet*, which consists of two rows of oblong cylinders, placed in a hollow moulding, and with open spaces between them, are by far the most prevalent. Sometimes we have a series of grotesque heads all round the arch.

The *capital* of each column is surmounted by a square *abacus*, underneath which there is usually a broad fillet, and a hollow separated by a grooving. The larger capitals are often rudely carved with grotesque devices of animals or leaves.

The *buttresses* are usually plain and broad, but of no great depth. They are not in stages, but have the same projection from the ground to the cornice, where they terminate in a slope.

The cornice itself is frequently merely a parapet of the same width as the buttress, but sometimes it is supported by blocks of

stone or grotesque heads. Sometimes these heads support a series of arches underneath this cornice, forming a regular corbel-table.

At Rochester Cathedral, and elsewhere, there are Norman pinnacles of a massive character; but spires were not introduced till after the discontinuance of the style.

The Cathedrals of Durham, Rochester, and Norwich, the Chapter-house of Bristol Cathedral, and the churches of Iffley, near Oxford, and Castle Rising, Norfolk, are especially recommended to the reader's attention, as studies of Norman architecture.

About the year 1130, we observe the *occasional* adoption of the *pointed* arch, in connection with features of a strictly Norman character. Thus, at Braysworth church, Suffolk, we observe a chevron moulding round a pointed arch. At Walsoken, in Norfolk, the chancel-arch is of the same mixed character; and at Little Snoring, in the same county, there is a pointed arch ornamented with a chevron moulding, resting upon Norman capitals and shafts, *and enclosed within another arch of a horse-shoe form.* The circular part of the Temple Church, consecrated in 1185, exhibits a very curious mixture of the two adjacent styles. Clustered columns, resembling those of the Lancet period, support pointed arches. On the clerestory wall above these arches there is a Norman intersecting arcade, and round-headed windows over the arcade.

(III.) **The Lancet Style** (otherwise called EARLY-ENGLISH) began to assume a distinct and generic character a little before the year 1200, and lasted for about a century.

The windows of this style are long, narrow, and *lancet-headed.* Sometimes they are single; sometimes in pairs; sometimes, in the eastern and western gables, they are in clusters of threes, fives, or sevens, that in the centre being *usually* higher than the rest. In the later specimens we sometimes find two or more lancet windows included under one dripstone, at East Dereham, in Norfolk, for example; and sometimes there is a quatrefoil ornament between the cusps, giving them the appearance of an Early Decorated window, although they are in reality separate windows, with a part of the wall between them, and not mullions.

In the gables of this style we sometimes find oval, triangular, or circular windows. The doorways are beautifully proportioned, but are sometimes quite plain, with an equilateral dripstone, and grooved mouldings under it, sustained upon simple bell-formed capitals and slender shafts. In larger churches we often meet with *double doorways,* with a slender shaft between the two openings, and a quatrefoil or other ornament between the cusps.

The *piers* are frequently composed of one column, surrounded by slender detached shafts, all uniting together under one capital of delicately sculptured foliage. Sometimes these shafts are clustered but not detached; sometimes they are banded together with the tooth ornament, while some of the piers belonging to this style

are plain cylinders or octagons, and the capitals bell-shaped or grooved.

The span of the pier-arches is frequently narrow in proportion to the height, as at Westminster Abbey; but the equilateral arch is also found in buildings of this class.

The *tooth moulding*, or ornament, is characteristic of this style, occupying a cavetto or hollow, or filling up the intermediate space between adjacent shafts. It is well described by Bloxam as "a kind of pyramidal-shaped flower of four leaves, and when seen in profile, presents a zigzag or serrated appearance." The sharpness of the central point, and the depth and squareness of the ornament itself, easily distinguish it from the flower mouldings of the two later styles.

The *vesica piscis*, a sort of pointed oval, the trefoil, and the quatrefoil, frequently decorate the buildings of this period; and *crockets* of a simple character then began to be introduced.

The *buttresses* of the Lancet style are of a greater projection than those of the Norman. They are divided into stages, chamfered, or ornamented with shafts at the angles, and capped at the top, like a miniature gable. *Flying buttresses*, by which strength is given to an inner wall by means of an arch connecting it with the buttress, and resembling a sort of bridge, began at this period.

The belfry towers of this date are loftier and less massive than the Norman, and spires began to be introduced.

"*Lightness, elegance, and simplicity,*"[x] are the characteristics of this style, of which Salisbury Cathedral is almost an unmixed example.[y]

The choir of the Temple Church, the galilee and choir of Ely Cathedral, the chapel of Jesus College, Cambridge, the west fronts of Wells Cathedral and Binham Priory, and the nave and transepts of Westminster Abbey, are also recommended to the student's attention.

(IV.) **The Flowing Style** (also called the DECORATED STYLE) began about 1272, and lasted till about 1377.

The windows of this period were wider and more imposing in their dimensions than in the former styles, and we find *mullions*[z] for the first time dividing the window into two or more *lights*, arched at the top, and headed by tracery. In the earlier specimens the character of this tracery is comparatively simple, consisting of trefoils, quatrefoils, circles, and other geometrical figures (whence it is termed *geometrical* tracery); but as the style became more advanced, beautiful flowing patterns were introduced into the headings of these windows, resembling the most delicate lace-work.

In some of our Norfolk specimens (and probably elsewhere) we

[x] Bloxam.
[y] See Britton's Salisbury Cathedral, also his Wells Cathedral, and Millers' Ely.
[z] The stone divisions of a window.

observe *circular windows in the clerestory*,[a] the inner circumference being filled with a cinquefoil or quatrefoil *feathering*.[b] Sometimes all the clerestory windows are of this form, and sometimes they alternate with the pointed windows of the style.

The *doorways* are often surmounted by ogee canopies, ornamented with crockets and finials, and are flanked by crocketed pinnacles. Sometimes the doorway is surmounted by a triangular pediment, crocketed on the sides, and with a finial at the top.

The *niches* of this style are surmounted by pedimental or ogee canopies elaborately carved and enriched with crockets and finials.

The *buttresses* are triangular-headed, and frequently ornamented with niches; and the *parapets* are often enriched with a wavy flowing tracery in relief, carried through the hollow space.

The *pier* is no longer formed of detached shafts, but three-quarter, cylindrical shafts are often *filleted* on its face, forming *the ground-plan* into a sort of diamond pattern.

The *ball-flower* moulding, which is characteristic of this style, may be described as a ball surrounded by three or four leaves, and inserted at intervals in a cavetto or deep hollow.[c]

I would recommend the reader to study very carefully Britton's Exeter Cathedral, and also his Lincoln Cathedral, Plates 12 and 16. Lichfield Cathedral, the Lady-Chapel and Chapter-house at Wells, and the Cloisters at Norwich, contain also very valuable studies.

(v.) **The Perpendicular Style** (called also the FLORID GOTHIC, from its minute elaboracy of detail and excess of ornament) began to be introduced about the year 1377, though it did not at once supersede the preceding style. It retained its purity for about one hundred and forty years, *i. e.* till about 1509, and from that period till the death of James I. in 1625, became gradually debased. This style takes its name from the character of the window tracery, the mullions being carried up in *perpendicular* lines through the heading, instead of the graceful and wavy curves described in the last section.

In this style we first observe the *transom*, which is a horizontal band across the *light*[d] of a window or the compartment of a panel. These transoms are often embattled at the top and foliated beneath. Sometimes they are on a level, forming a horizontal band across the entire window, but in the most beautiful examples they are *in stages*, that of the centre light being higher than the rest.

The most common *doorway* of the period is the depressed four-centered arch under a *square* head, the spandrils[e] being elaborately sculptured; but occasionally we meet with an ogee canopy.

[a] The upper row of windows over the roof of the aisle.
[b] The ornamental tracery. [c] Bloxam.
[d] The *light* of a window is the space included between two mullions, *i. e.* one of the pointed compartments of the window under the heading or feathering.
[e] The triangular spaces formed between the arch and the square-headed canopy.

The use of the *four-centred* or depressed arch was very general at this period in windows, doorways, pier arches, &c., but the *equilateral* arch was not totally superseded by this less graceful form.

Panelling is one of the most beautiful features of the Perpendicular style. The walls are sometimes *almost covered with it*, both inside and out: sometimes this panelling resembles the window tracery of the period, at other times we observe open-work patterns, enclosing shields, roses, or the like. The exteriors of many of our Norfolk churches are inlaid with freestone, forming a very beautiful contrast with the flint of which they are composed.[f]

The *parapets*, as well as the battlements, are often pierced with open-work patterns; the doors are richly panelled, and the fonts elaborately sculptured, (the Seven Sacraments and the Crucifixion having been a favourite design). Nearly all the roodscreens throughout the kingdom belong to this period, as do the most beautiful of our wooden roofs; and the stone roof then attained to its greatest perfection. Of the *fan-tracery* with its pendants, the greatest architectural achievement of the period, the roofs of Henry the Seventh's Chapel at Westminster Abbey, and King's College Chapel, Cambridge, are the best examples: and as specimens of the style generally, I would notice, in addition to these noble buildings, the nave of Winchester Cathedral, the chapels of West and Alcock at Ely,[g] and (as an *unmixed* specimen) the Abbey church at Bath: but this is the predominating style all through the kingdom.

The *Tudor flower* (a rose of a square and formal character) and the *harrow* were favourite ornaments at this period.

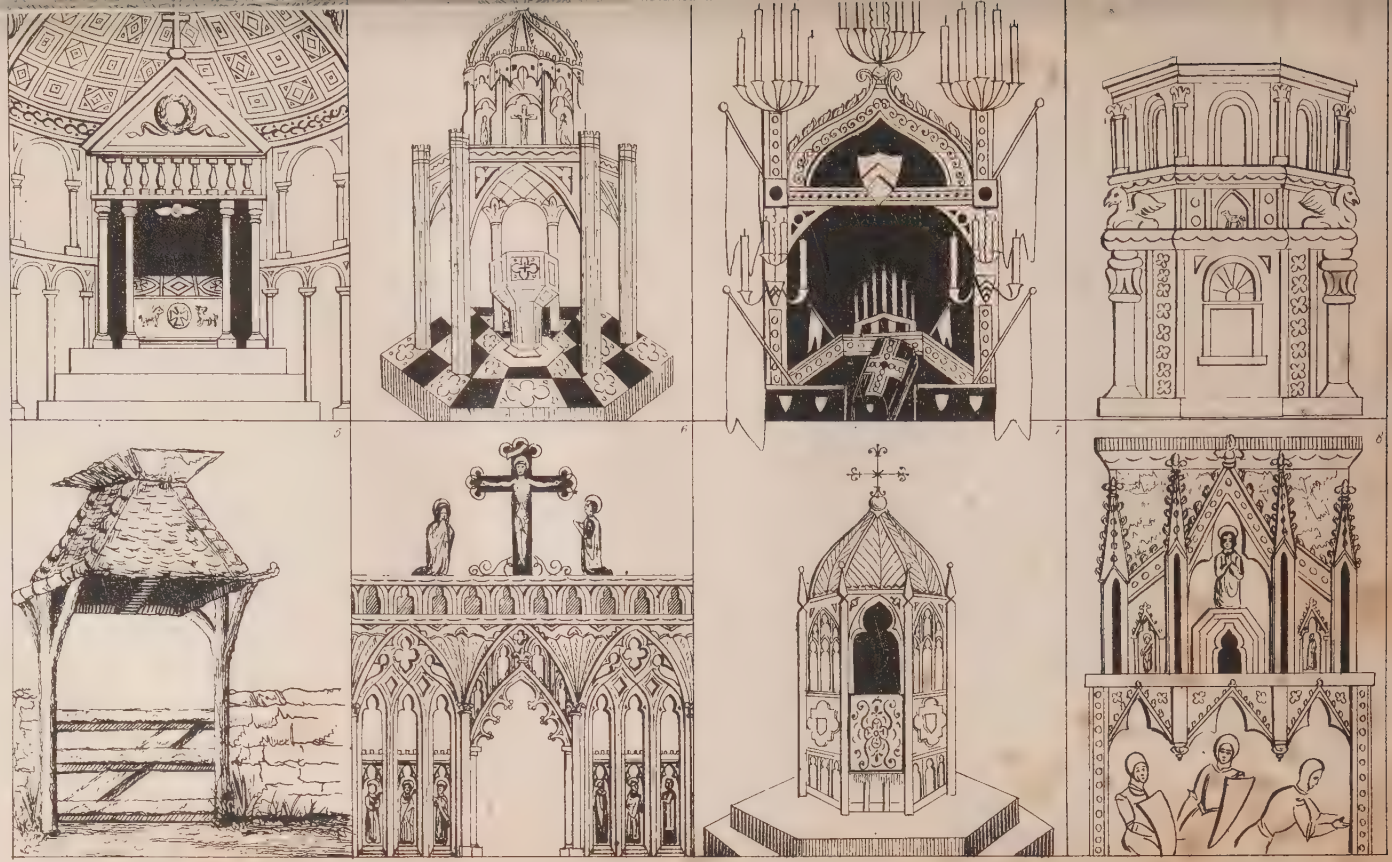
Soon after 1509 the style began to be debased by the introduction of the ugly flat-headed window and other architectural enormities, and later still by the incongruous mixture of the classical and pointed styles. Inigo Jones introduced Italian pediments into many of our churches; and those built by Sir Christopher Wren after the great fire of London, bear no resemblance whatever to Gothic architecture, which he neither valued nor understood.

The above is *a mere outline*, and includes only the most prominent features of the different styles. Bloxam's *Principles of Gothic Ecclesiastical Architecture'*; Rickman's '*Essay*'; '*The Glossary of Architecture*'; Britton's '*Cathedral*' and '*Architectural Antiquities*'; Millers' '*Ely Cathedral*,' and the various publications of the Cambridge Camden Society, will supply all the information that the reader can possibly desire.

§. 3. *Buildings in the Churchyard detached from the Church.*

(1.) The LICH-GATE, or gate of the dead, was a sort of shed or pent-house over the principal gate into the churchyard, and was intended as a resting place for funerals, and a shelter for the corpse

[f] See here Cotman's Etchings, plate 42.
[g] Millers' Ely Cathedral, frontisp. also, plate 11.



during inclement weather. Specimens are to be seen at Burnsall, and at Beckenham, and other Kentish churches. At Bray, in Berkshire, the projecting upper story of the church-house overhanging the entrance into the burial-ground, answered the purposes of a lich-gate. It is engraved in the *Gentleman's Magazine*, February 1844; and the lich-gate at Beckenham in Kent is represented in our second plate, (fig. 5.)

(2.) The CHURCH-HOUSE was a building in the churchyard, consisting of one or two rooms, in which the parishioners used to assemble periodically and hold their "*drynkinges*" or *church-ales*, as those feasts were called, at which, before the introduction of compulsory rates, they voluntarily contributed towards the relief of the poor. From ancient documents it appears that there was a dinner on such occasions, culinary utensils being kept at the church-house.[h]

(3.) ANCHORAGES or HERMITAGES were in ancient times very frequently erected in churchyards. To select one out of *many* examples connected with the city of Norwich, in Blomefield's time, the foundations of an anchorage were distinctly traceable on the eastern side of S. Julian's church.[i]

(4.) The AMBULATORY or CLOISTER (called also the *centry garth*), in cathedral and conventual buildings, surrounded the quadrangle in which the monks were buried. The cloister on the south of Norwich Cathedral is the largest in the kingdom, with rich window tracery on the side adjacent to the cemetery. The roof is beautifully groined, with elaborately sculptured bosses at the points of intersection. It moreover contains a fine *lavatory*, where the monks used to wash; and the prior's entrance on the north-east of the quadrangle, opening into the nave, probably has not its equal in the whole kingdom.[k]

(5.) The PALM CROSS was a crucifix of stone raised upon steps, and often erected near the south entrance of a parish church. It was decorated with branches for the procession on Palm Sunday, whence it took its name. There are many very early specimens of the Palm Cross in Cornwall;[l] but that which stands to the south of Eyam church, in Derbyshire, is especially deserving of attention, being beautifully sculptured.

Of the GOLGOTHA, or CALVARY, which represented on a large scale the circumstances of the Passion, with images of S. Mary and S. John, our Saviour on the Cross, and sometimes the two thieves, carved in stone and grouped in the open air, we have no English example, but they are of frequent occurrence upon the continent.[m]

The PREACHING CROSS, which stood in the *Green-yard* on the north of the nave of Norwich Cathedral, was raised on stone steps,

h Utensils, &c. belonging to Melford church, Suffolk, apud Neale and Le Keux.
i Blomefield's Norfolk, folio edit. ii. 544.
k See Britton's Norwich Cathedral, frontisp.
l Lysons' Magna Britannia *passim*.
m See plates in Dibdin's Bibliographical Tour.

but was probably of wood. It was leaded and surmounted by a leaden Cross. There is a print, by Hollar, representing the ancient pulpit at S. Paul's Cross. See also Plate II. fig. 7, and the vignette in Le Bas's life of Wiclif.

(6.) HOLY WELLS are occasionally found in churchyards, though I do not recollect above two or three examples in the kingdom. That at East Dereham stands to the west of the nave, and is described in the Archæologia.[n]

In *primitive* times there was usually a fountain near the principal entrance of a church, where the people used to wash themselves before they went in. It was termed *Cantharus*, *Phiala*, κρηνας, *Nymphæum*, εμβάτης, φρεὰρ, and κολυμβειον; and by modern writers *Leontarium*, as it was in many places surrounded by lions spouting out water.[o]

(7.) BAPTISTERIA, or *baptisteries*, were detached buildings erected near the church for the solemn administration of baptism on the great festivals. Very fine specimens still exist at Pisa, Florence, Parma, and other parts of Italy, some of which may be found represented in the plates to Hope's Architecture. They are, for the most part, circular or polygonal buildings, with a sort of bath in the centre, descended by steps, the walls being sculptured or painted with appropriate emblems. The mother church anciently possessed the exclusive privilege of having a font; and in Durandus' time at Florence, Pisa, &c., baptism was only administered in the cathedrals.[p]

It does not appear that there were ever baptisteries in any part of this country, notwithstanding the *conjectures* of some antiquaries, and the occurrence of the *word* in Bede's history.[q] He probably meant nothing more than the *font*, which is frequently called "*baptisterium*" in the Latinity of the middle ages.[r]

(8.) The CAMPANILE, or *belfry*, is mentioned in this place as being sometimes totally unconnected with the church. At Little Snoring in Norfolk, there is an ancient example of the sort. There is a more modern specimen at East Dereham, and another at Beccles in Suffolk. Such also is the relative position of the curious round towers at Kells, the Seven Churches, and other parts of Ireland, *whatever may have been the object of their erection:* and at Peele in the Isle of Man, there is a circular stone building a little to the west of S. Patrick's church, originally used as a watch-tower.[s] Belfries were unquestionably resorted to in some instances as places of retreat and defence in time of danger. Porteullises have been found over a few belfry-doors, and they have been furnished with rooms, fire-places, and other conveniences.[t] There is a chimney with a fire-place in the church tower of Rugby in Warwickshire.

In cathedral and conventual buildings, as well as in a few parish

[n] Archæologia xi. 127.
[o] Bingham, book viii. c. 3, § 6.
[p] Apud Staveley, p. 108, 217.
[q] Lib. ii c. 14.
[r] Du Cange, Glos. in voce.
[s] Dugdale's British Traveller, iv. 761.
[t] Fosb. i. 89.

churches, the belfry rises from the point where the nave, choir, and transepts intersect; but in smaller churches it was sometimes dispensed with altogether, and the deficiency supplied by a bell-gable at the west end, a small pent-house or canopy upon the roof, with a framework under it, supporting one or two small bells.[u]

A gable of this sort is also sometimes found over the rood-loft, (as at Upwell church, Norfolk). This held the sacring bell, which was rung at the elevation of the host. Hand-bells are now used for the purpose in the Church of Rome.

(9.) Our ancestors used to hang garlands over the graves of their deceased relations,[v] a practice which is observed to this very day in Ireland and other Roman Catholic countries. The most favourite spot for interment was near the south door, that those who entered the sacred building might be reminded of their departed friends, and offer up a prayer for their repose.

§ 4. *The church and its various parts.*

(1.) The SOUTH PORCH—called also the *Parvise*, because a parochial school was usually held there—was the first object which arrested the attention on approaching the church: and indeed, the various uses to which it was applied, rendered it one of the most important parts of the sacred edifice; for anciently, baptisms, marriages, and the churching of women, were performed at the church-door. Here also the children of the parish were instructed; deeds were executed; and causes both civil and criminal were decided; though towards the end of the 12th century it was forbidden "to try *causes of blood* in consecrated places."[w] Over the entrance of the south porch, there was usually an image of the saint to whom the church had been dedicated, as appears from the niches which are still commonly seen there. Very frequently there is a room over the porch.

The GALILEE in cathedrals or other churches was a kind of *porch*, situated at the west end of the building, where penitents and excommunicates sat previously to their admission on Ash-Wednesday: here also processions terminated.[x]

The finest *Galilee* with which I am acquainted is at Ely cathedral, and it is a truly magnificent specimen of lancet architecture. In some cases these western porches are found in parish churches, as at Snettisham in Norfolk, and probably the remains of one at Cromer in the same county.

(2.) The NAVE extended from the west end of the church to the chancel-arch, and was occupied by the laity during divine service. The term is derived from ναος a ship, and here the men used to sit on the south side and the women on the north.

In the primitive church there was also a *Narthex* or ante-nave to

[u] See the plates in the Archæol. Journal, No. 1.
[v] Gent. Mag. June 1747.
[w] Wilk. i. 474. Item Gent. Mag. August 1787. Item Royal Wills, p. 279.
[x] Millers' Ely Cathedral.

the west, separated from the nave itself by folding-doors, which were left open during those parts of the service in which the catechumens and penitents were allowed to participate: from the circumstance of their standing in the narthex, it was also called *Catechumeneum*, and from the doors προπύλαιον.[y]

(3.) The CHANCEL, or eastern part of the church, took its name from the screen or lattice-work which separated it from the nave.

In Norman churches a richly-moulded circular arch is often found between the nave and chancel, and in *primitive* times there were folding-doors or rich hangings at the entrance of the chancel, to conceal the altar from the catechumens, and even from the faithful, during the *consecration* of the eucharist. Hence the terms Ἀμφίθυρα, βῆλα τῆς ἐκκλησίας (the hangings of the church), and καταπέτασμα μυσικὸν, the mystic veil, which was often beautifully wrought with gold.[z]

Among our ancestors the sacred mysteries were concealed from the laity, during the penitential season of Lent, by a dark veil or curtain hanging at this point.[a] Here was the screen surmounted by the rood-loft; but all the existing specimens belong to the later styles of church architecture: and whether the Normans had screens or rood-lofts, I have not been able to ascertain.

In cathedral, collegiate, and conventual churches, the chancel is termed the *Choir*, as having been occupied by a large body of the clergy; and the part immediately adjacent to the altar is termed the *Presbytery*, because the bishop's throne and the seats of the presbyters were in the apse or semicircular east end at the back of the altar.[b]

As the laity were not permitted to enter the chancel, the expression '*man of the chancel*' is used to signify a clergyman, and '*extra chorum ponantur*' to signify the degradation of delinquent clerks from their orders.[c]

(4.) The north and south transepts or aisles completed the cruciform appearance of the cathedral, but these are not often found in mere parish churches, which in a majority of instances have only north and south aisles to the nave.

(5.) *Crypts* are the vaults under a cathedral or other church used for interments (?) and probably supplied with altars for the celebration of obituary masses. The crypt at Canterbury cathedral is furnished with a handsome stone screen.[d]

(6.) The VESTIARIUM, or vestry, was the chamber in which the clergy arrayed themselves in the sacred vestments previously to the celebration of mass, and where the robes and altar-plate were deposited. But in some instances there was also a TREASURY, distinct from the *vestry*, and applied to the latter purpose.[e]

[y] Schurtzfl. Controv. Quæst. pp. 354, 355.
[z] Bingham, b. viii. c. 6, § 8.
[a] Johns. A. D 877, cap. 17.
[b] Beveridge, Pandectæ Canonum. Item Wheatly's Frontispiece. Edit. 1729.
[c] Wilk. i. 388. Britton's Canterbury Cathedral.
[e] See Curiositez de l'Eglise de Notre Dame à Paris, p. 255.

In many of the *primitive* churches there were two vestries or *secretaria*, being circular projections on the outer side of the apse, to which they joined, and into which they opened by doors.[f]

(7.) The LADY CHAPEL, the principal chapel of a cathedral, founded in honour of the blessed Virgin Mary, was in most instances immediately behind the choir, whence it is usually termed the retro-choir. Here convalescent monks were allowed to worship, and also strangers who could not be accommodated in other parts of the sacred building.[g]

There were anciently many chapels and chantries in a cathedral independently of the high altar. Thus there were about ten of these altars in Norwich cathedral,[h] and twenty-five at Canterbury,[i] and there were chantry-altars in the aisles of many of our parish churches.

(8.) The CHAPTER-HOUSE was an important appendage to a cathedral, and exceedingly beautiful specimens are to be seen at Bristol, Wells, York, Salisbury, and other cathedrals.

§ 5. *The furniture and ornaments anciently used in churches.*

In my friend Mr. Britton's interesting account of Salisbury Cathedral,[k] there is an exceedingly valuable inventory of the plate, vestments, &c., anciently belonging to that church: and in "*Views of Collegiate and Parochial Churches*," by Neale and Le Keux, the reader will find an inventory of the utensils and furniture of Melford church in Suffolk, made in the year 1529. From these two catalogues it will be seen with what a rich prodigality our cathedral and parochial churches were in many instances adorned before the Reformation: and from archbishop Winchelsey's constitution in 1305,[l] we learn what articles were deemed *absolutely essential* in every church, independently of voluntary gifts. It will be found in the third section of this chapter.

The "*Journal of William Dowsing*" exhibits a singular contrast between the moderation of our Reformers, and the intemperate zeal of the Puritans, between the pruning-hook and the axe. Dowsing visited the Suffolk churches in the years 1643 and 1644, with authority to remove what he considered superstitious emblems, a point on which he appears to have been painfully sensitive. Not an Orate pro aīa, or Cuius aīe ppiciet̄ur Deus, escaped his vigilant file: he reeved the brasses, mutilated the sculptures, and demolished the painted glass: he moreover pulled down the altar-rails, and levelled the steps; and the following extract shows what able co-adjutors he had in the work of destruction:

"129. *Elmsett*, Aug. 22. Crow a deputy had done before we came. We rent apieces there the hood and surplice."

Clare appears to have been more elaborately decorated than any of the other churches included in his list; for he tells us—

[f] Wheatly's Frontispiece. Edit. 1729. [g] Fosb. i. 97. [h] Blomef. *passim*.
[i] Somner, apud Staveley, p. 211. [k] p. 84, n. [l] Wilk. ii. 280.

"2. At Clare, Jan. 6, we break down *a thousand* pictures superstitious. I brake down two hundred. Three of God the Father, and three of Christ; and the Holy Lamb, and three of the Holy Ghost like a dove; and the twelve Apostles were carved in wood on the top of the roof, and twenty cherubims; and the sun and moon in the east window by the king's arms to be taken down."

I would recommend the reader to furnish himself with this Journal, which has been lately republished in a cheap form; and proceed to classify the various articles of church furniture as well as I am able.

THE HIGH ALTAR, SUBORDINATE ALTARS, ALTARIA PORTATILIA.

Altars in the middle ages were of *stone*—possibly with a few rare exceptions; and indeed the abolition of wooden altars was considered a very important reformation in the Church of Ireland after the conquest of that country by Henry II.

The authentic marks of an altar were five crosses, *patée* inscribed at the corners and centre of the upper slab.

No altar could be consecrated without reliques, which were enclosed in a vessel with grains of incense, the sacred host, and the deed of consecration, and inserted in a cavity of the altar, filled up with a piece of stone and hallowed mortar. This was termed the '*sigillum altaris*' and also the '*sepulchrum altaris*.'[m]

The day and year on which the church was dedicated, the name of the patron saint, and that of the officiating bishop, were carved on the stone-work of the high altar, and all the other altars in the church.[n]

The altar was not always fixed against the east wall, but sometimes stood in the centre of the apse, so that it might be surrounded in procession.[o] In Norwich cathedral the bishop's throne was anciently behind the altar.[p]

The altar was of an oblong form and raised upon three steps. *Altaria portatilia* were consecrated *slabs* of stone, with reliques enclosed for the celebration of the *viaticum* mass in a sick chamber. One described by Du Cange was of marble, inlaid with gold, silver, and gems, and about a foot square.[q] It was also called *Altare gestatorium*, or *viaticum*, and was laid upon an ordinary table near the dying man's bed.

RELIQUES, SHRINES, VOTAL TABLETS.

From the circumstance of reliques being considered essential to the valid consecration of every altar, their sale was anciently a very lucrative source of traffic, and, as a matter of course, produced many counterfeits and a plentiful harvest of ridicule to the satirical writers of the day.[r] At Hales, in Worcestershire, the blood of a duck in a glass bottle, *thick and opaque on one side, and transparent on the*

[m] Fosb. i. 94.
[n] Wilk. i. 624, cap. 7.
[o] Bedæ Hist. lib. ii. c. 3.
[p] Archæol. xi. 324, 383.
[q] Glossarium voce *Altare*
[r] See the Decameron for instance, *passim*.

other, used to be exhibited as the blood of the Redeemer, *which could not be seen by any person in a state of mortal sin.* A mere turn of the bottle wrought the miracle, which was detected and exposed at the Reformation. More teeth of S. Apollonia were then found in various parts of England than would have sufficed to fill a bushel;[s] and the celebrated Erasmus is related to have seen, in the course of his travels, the head of John the Baptist in three different places!

Henry de Hassia, who died about 1428, thus speaks in his '*Secreta Sacerdotum.*'[t] "Nor can I conscientiously conceal the fact, that on solemn occasions I have seen even dignified priests crossing the people with reliques, and presenting them to be kissed, and asserting that great indulgences have been assigned to them, although they have never heard of any charter of either Pope or bishop to that effect. *They call them the reliques of some saint, whereas perchance it may be the bone of an ass, or of one of the damned!*" (asini vel damnati). A celebrated relique was frequently enclosed in *a fixed shrine* of stone-work richly sculptured and adorned. That of Saint Cuthbert at Durham was "of costly green marble, all limned and gilt with gold, and exalted with most curious workmanship," and "was esteemed to be one of the most sumptuous monuments in all England."[u] The shrines of Edward the Confessor in Westminster Abbey, and S. Fridiswide at Oxford, will explain the general form of these shrines better than any verbal description.

There were also *feretra* or portable shrines, something like miniature churches, with pinnacles and niches, gilt and enamelled,[w] which were carried in processions. That of S. Hugh at Lincoln was of pure gold, and that of S. John of D' Alderby (also at Lincoln) was of solid silver.[x] In Erasmus's Dialogue, called "*Peregrinatio Religionis Ergo,*" the reader will find an interesting description of the shrines at Walsingham and Canterbury during their greatest magnificence and glory. Sometimes many reliques were enclosed in one box, or in a chest of drawers, termed a *Camarine.* Sometimes they were encased in the precious metals, moulded into the form of a human limb, (an arm for instance, or a leg, according to the nature of the relique); at other times they were in crystal phials, or the relique was set in a large silver image of the saint to whom it belonged. Reliques were also frequently set in the silver-gilt cover of the Gospels or the missal.[y] (See Plate III. fig. 4.)

On solemn occasions the reliques belonging to a church were exhibited upon *perticæ,*[z] or ornamental beams, suspended over the altar.

[s] Burnet's Reform. A. D. 1536, Lond. 1679, i. 242.
[t] The edition before me is without a date, but was printed about 1470.
[u] Antiq. of Durham, p. 6.
[v] Britton's Oxford Cathedral.
[w] Gent. Mag. Sept. 1822, and April 1836.
[x] Dugdale's British Traveller, iii. 430.
[y] Eglise de Notre Dame, *passim.* Item Britton's Salisbury, p. 84, &c.
[z] Du Cange in voce.

There were no fewer than *two hundred and thirty-four* reliques in the treasury of Salisbury;[a] and by way of giving some notion of their *fancy* value, I shall mention the fact, that at the dissolution there was an alleged finger of S. Andrew the Apostle in pawn for forty pounds, equal to about *six hundred pounds* of our present currency! It belonged to the priory of Westacre in Norfolk.[b]

As vows and pilgrimages were made to these reliques, they were a continual source of wealth. When a cure was supposed to have been wrought through the intercession of the saint, a wax image of the part that had been healed was suspended near his shrine, whether it was an arm, or a leg, or an eye.[c] The restored cripple hung up his crutches there, and the mariner preserved from shipwreck presented a *votal tablet*, on which was depicted the story of his escape.[d]

APPENDAGES TO THE ALTAR.

(1.) The *Tabernacle* (called by modern writers the *Ciborium*) was a sort of turret or cabinet on the upper surface of the altar, containing the *Pyx*, in which the consecrated hosts were reserved. It had usually folded doors in front, and was beautifully sculptured and adorned. (See Plate III., in the background over the altar.)

(2.) The *Ciborium* was a pedimented canopy supported upon columns, and forming a covering to the altar. The few specimens that remain upon the continent are found in very ancient churches. There is one at S. Clement's church at Rome, copied from Hope's Architecture into our second plate (fig. 1).

(3.) In *primitive* times there was a golden or silver dove suspended under the ciborium, and called the *Peristerium:* but the practice of reserving the Eucharist in these doves (which were also suspended in baptisteries) was comparatively recent.[e]

The use of the *ciborium* in its primitive sense probably did not extend to these islands. We have no English examples, and the altar usually stood near the east wall with a *reredos* or *screen* at the back.

(4.) The *Credence-table* was a small altar, or a shelf on brackets, near the high altar, on which the oblations were prepared before consecration, and was a very early arrangement. There is one on the south of the altar at Winchester cathedral; another at the church of S. Cross, near Winchester; another at Romsey church, Hants; and, if I mistake not, the remains of one at Colkirk in Norfolk. In the draft of a primitive church given by Beveridge,[f] and also by Wheatly,[f] there are two circular vestries on the sides of the apse with a credence-table in each.

The Credence-table was called *παρατραπεζον*, and also *oblationarium*.[g]

[a] Britton, pp. 84, 85.
[b] Excursions through Norfolk, vol. ii. p. 7.
[c] See '*Cereus virtutum*' in Supplement to Du Cange Gloss.
[d] Curiositez de l' Eglise de Paris, pp. 85, 86.
[e] Bingham, b. viii. c. 6, § 19.
[f] Pandectæ Canonum, and Illustration of Common Prayer. Edit 1729.
[g] Bingham, b. viii. c. 6, § 22.

(5.) The *Piscina* is an arched recess, very commonly found in the south wall near the altar, the lower part being hollowed like a basin, and with a hole in the centre to let the water run into the ground, but probably supplied with a plug. Here the priest *anciently* washed his hands at the "*lavabo*" of the mass, and in old rubrics it is directed, that if a fly should fall into the chalice it should be burnt "*super piscinam.*"[h] In more modern times a moveable basin has been used for the *lavabo*.

Piscinæ are sometimes double, with a beautiful foliated capital on a shaft in the centre, as at S. Mary's church, Ely. Occasionally the piscina is supplied with a *shelf* in the middle, to hold the cruets of wine and water, &c. This is the case at Littleport church, five miles from Ely.

(6.) The *Ambry* or locker is also a *niche* hollowed out of the substance of the wall, and may be distinguished from the piscina by its having no basin at the bottom, and also by the indication of a door, with which each locker was anciently supplied. The cruets, towels, &c. used during the mass were deposited here. Lockers are sometimes arched recesses, but most commonly square (?).[i]

When *piscinæ* or *lockers* are found in the aisles of a church, it is a certain indication that there were chantry altars near them; the chantry having been moreover partitioned off from the rest of the church by a *paraclose* or screen.

In some instances there is a low window, commanding a view of the altar from the churchyard, through which lepers, who were not allowed to enter the sacred building, might yet view the elevation of the host (?); in other instances we find groovings in the wall or columns, or apertures, so as to command a view of the high altar from the aisles: these may be termed *speculatories*.

(7.) *Sedilia* are stone seats under canopies on the south wall near the altar, where the officiating clergy sat during the intervals of the service.[k] Most commonly there are three, for the priest, deacon, and subdeacon at high mass, the seats being raised like steps of stairs, to mark the gradations of the ministry. This is the case at Fakenham in Norfolk, but sometimes they are on a level, and they also vary in number. At Lenham in Kent, there is only one *sedile;* there are two at Hayes church in Middlesex, and four in Chester cathedral.

Du Cange mentions the "*sedes majestatis,*" on which the priest sat while the "*Kyrie,*" "*Gloria,*" and "*Credo*" were chanted by the choir, and that when he arose, it was the deacon's duty reverently to fold back his amess *and comb his head!*[l]

At Hexham and Beverley there were stone seats near the altar, to which extraordinary privileges of sanctuary were attached; viz.

[h] Gent. Mag. Aug. 1787, and Aug. 1797. Item Durandi Rationale, fol. 8.
[i] Fosb. i. 96.
[k] See Archæol. x. 291.
[l] Gloss. in voce *Sedes Majestatis.*

that any criminal escaping thither should enjoy his life and liberty. This seat was termed the FRIDSTOLE[m] (or *freed stool*).

(8.) The *Sepulchrum Christi*, otherwise called the *Paschal*, was in some instances a richly sculptured tomb on the north wall of the chancel near the altar; with a canopied niche, in which the pyx with the host was solemnly deposited on Good Friday and left till the morning of Easter day, when the priest and clergy went in procession and removed it from thence, chanting the anthem "*Surrexit non est hîc.*" There are exceedingly fine specimens at Northwold in Norfolk, Heckington in Lincolnshire, and a few other churches.[n] That of Heckington is represented in our second plate, fig. 8.

Temporary *paschals*, made of wood, and adorned with hangings kept in the vestry for the purpose, and put together at the time, were however much more common. That at Melford has been described as "a fair painted frame of timber to set up about Maundy Thursday, with holes for a number of fair tapers to stand before the sepulchre, and to be lighted in service time. Sometimes it was set overthwart the quire before the high altar, the sepulchre being alwaies placed and finely garnished at the north end of the high altar, between that and Mr. Clopton's little chapel there, in a vacant place in the wall, *I think upon a tomb of one of his ancestors.*"[o] An actual representation of one of these paschals may be seen in Picart's Religious Ceremonies, *Lond.* 1734, vol. ii. Op. p. 8.

THE CURTAINS, HANGINGS, VEILS, AND DRAPERY OF THE ALTAR.

(1.) The *baldachin* or *dais* was a canopy with a rich deep valance and a fringe, which sometimes hung over an altar, but perhaps was not very usual. A *baldachin* provided with staves to be carried over the eucharist in processions, was almost an essential article of church furniture.[p]

(2.) The *dorsale*[q] was the drapery at the back of the ciborium or the altar screen.

(3.) The upper slab of the altar itself was covered with three napkins, called by archbishop Winchelsey *tuella*. They are also termed *pallæ* altaris, and *mappæ*.

(4.) The *frontale* or *antependium* was a richly embroidered cloth or velvet drapery, of an oblong form, which hung in front of the altar. There is one represented in Plate III.

In some of the richer churches, a *case* of gold or silver, embossed and set with reliques and precious stones, was on solemn occasions annexed to the front of a high altar, as a splendid substitute for the *ante*pendium.[r]

(5.) The *velum quadrigessimale*, or lenten veil (usually of a violet

[m] Staveley, p. 173.
[n] See Vetusta Monumenta, vol. iii.
[o] Roger Martin's account of Melford, in Views of Collegiate and Parochial Churches, by Neale and Le Keux.
[p] For a representation, see Picart, vol. ii. p. 8.
[q] For this and the following three or four heads, vide Durand. *passim*.
[r] Merati. Item Du Cange.

hue and seldom black), was during that penitential season drawn before the pictures, images, and other ornaments at the back of the altar.

Durandus makes mention of two veils used during Lent; one of which hung between the nave and choir, and the other between the choir and the altar.[s]

At Melford, we read that there was "a cloth of Adam and Eve, to draw before the high altar in the time of Lent, called the *veil*." There were also "three long cloths hanging before the roodloft, stained or painted with the *daunce of poulis*" (?); and "a cloth before the roodloft called the *veil*, very simple."

"An altar-cloth for Lent, with whips and with angels."[t]

(6.) The *tela stragula altaris* was the coverlet thrown over the altar to protect its ornaments after mass was over.[u] It was usually green, with a valance and a cross.

(7.) *Velum calicis*, with which the chalice was covered during a great part of the mass, was of silk or of some other rich material, agreeing in colour with the vestments worn by the priest on that day. It was embroidered with gold, and had a cross worked upon it.[v] (See Plate III. fig. 14.)

The *velum pyxidis*, thrown over the pyx,[w] admits of much the same description.

The *velum subdiaconale* was the long veil of white linen (?) thrown over the subdeacon's shoulder, and covering the upper part of the sacred vessels as he presented them at the altar.[x]

The *veil* with which the pyx was covered when it was carried in procession, resembled the ordinary "*velum pyxidis*," but was more richly embroidered.

We also read of the *conopeum tabernaculi*,[y] the ornamental drapery employed to decorate the tabernacle, or hung as a curtain under its canopy. These varied in colour according to the festival. At Melford,—"To the blessed sacrament belong *two canopy cloths*."

(8.) The *corporale*, on which the hosts were laid at the time of their consecration, was always of fine linen, though the *exterior* might be adorned with silk and gold. It was about thirty inches square, and was to be so folded that the borders might not appear.[z]

(9.) The *bursa* was the case in which the corporale was kept, and in which it was presented to the priest during the celebration of mass. It was of a square form, made of some rich material, ornamented with a cross or some other holy image on the upper side, and lined like a bag with fine linen or silk.[a]

(10.) The *mundatory* or *purificatorium*, was a linen cloth neither very fine nor very coarse, and about eighteen inches square, simply

[s] Rationale, fol. 15, 16.
[t] Ubi supra.
[u] Gavanti Thesaurus, Antv. 1646, p. 320.
[v] Ibid.
[w] Ibid.
[x] Ibid.
[y] Gavanti Thes. tom, i. p. 79, 317.
[z] Ibid. tom. i. p. 317.
[a] Ibid.

hemmed, and with a small cross of needlework in its centre. It was used to cleanse the chalice after the *ablutions* or *Post-communion.*[b]

(11.) The *lavabo*[c] was of thick linen adorned with fringe, and employed to dry the priest's hands after he had washed them in the *piscina* or in the *aquæmanile.*

(12.) The *offertorium* was the cloth of linen or silk on which the faithful placed their oblations.[d] An offertory of another description will be described under the head of *Altar plate.*

(13.) The *pulvinar* or *cussinus*, was the cushion stuffed with wool or horsehair (not with feathers), on which the missal was laid,[e] and was usually of velvet richly embroidered.

(14.) The *genuflexorium* was, as its name implies, a kneeling cushion.[f] (See Plate III. figs. 20, 21.)

(15.) *Tapetia substratoria* were the carpets thrown over the steps of the altar and the pavement of the choir;[g] but our more frugal ancestors contented themselves with strewing rushes to protect their feet from the cold.

(16.) The *processional banner*, used at the rogation and other processions, had the patron saint of the church painted or wrought upon it. At Melford there were "three banner clothes," and "two streamers of silk;" and at Witchingham, Norfolk, "a *band* cloth with a pendon."[h] (See Plate III. fig. 31.)

(17.) Independently of the above, there were various miscellaneous hangings which need not be particularly described. (*Tapestry* belongs to another category.)

Such were the pall for the dead, represented in *several* old illuminations which I have seen of a *bright blue* colour, with a plain white or gold cross in the centre, extending through its whole length each way. Probably, however, it was in many instances black.

In the Melford catalogue are the following items:—

"A coverlet of linen and woollen for the *herse.*[i]

"A *pall cloak*, very simple.

"An old coverlett of linen and woollen, *which serves to pluck before the cross* on Palm Sunday."

"A cloth hanging before the roodloft with three small white napkins.

"A cross cloth of silk.

"Afore S. John Evangelist, a stained cloth.

"Before S. Anthony, a stained cloth.

"Before S. George, two drawn curtains stained.

"Before S. Edmund, a little cloth, &c.

"Three other simple cloths to cast about divers saints.

"A cloth of blue silk to bear over the sacrament, embroidered with gold chalices."

[b] Gavanti Thesaurus, tom. i. p. 319.
[c] Merati, p. 100.
[d] Du Cange in voce.
[e] Gavantus, tom i. 319.
[f] Du Cange in voce.
[g] Durand, lib. i. c. 3, n. 23.
[h] Chambers' Norf. i. 236.
[i] Probably the herse light infra.

Ecclesiastical Utensils.

ALTAR PLATE IMMEDIATELY CONNECTED WITH THE EUCHARIST.

This of course was more or less splendid, according to the wealth or poverty of the neighbourhood, varying in material from solid gold adorned with gems, down to simple pewter: but how sumptuously some of our cathedrals *and even parish churches* were supplied in this respect may be determined by facts.

From the Melford catalogue it appears that there belonged to that church *nine hundred ounces* of plate and upwards, for the most part gilt! And Dugdale tells us in his Monasticon, that Henry VIII. took from Lincoln cathedral alone 2621 ounces of gold and 4283 ounces of silver, besides pearls and other precious stones to an immense amount.

But in all probability, Canterbury cathedral excelled in magnificence all the other churches in the kingdom.[k]

(1.) The *pyx* was the sacred vessel in which the reserved hosts were kept in the tabernacle. It was usually one of the precious metals, with a pyramidal covering surmounted by a little cross. Sometimes it was of ivory.[l] (See Plate III. fig. 12.)

(2.) The *paten*, a plate usually of silver, on which the host to be consecrated at that mass is presented by the deacon to the celebrant. It was to be concave, and the rim thin enough to be of use in collecting the sacred particles.[m] The cover of the chalice was however often used as a substitute for a paten.

The *bread-box*, for keeping the *unconsecrated* hosts, was round, and had a round plate of lead covered with silk to put upon the breads in order to flatten them.[n]

The *ferrum oblatarum*, otherwise called *ferramentum characteratum*,[o] was the iron instrument on which the hosts were made and with which they were stamped, having upon it a simple ✠, or ihc, or the like.

(3.) The *chalice*, in which the wine and water were placed in order to their consecration, having a *node* or *pomum* in the centre of its stem, and generally a cover. (See Plate III. fig. 15.)

(4.) The *bureta*,[p] or *burette*, a pitcher, usually of gold or silver, containing the wine which was to be consecrated during the mass.

The *anax* was a large flagon, applicable to the same purpose, but belonging to more primitive times.[q]

(5.) *Ampullæ vitreæ vini et aquæ*, were cruets of glass or crystal upon a stand of metal (which was termed "*pelvicula hamularum*").[r] In these two cruets the wine and water were presented at the altar before consecration. Each had a cover. (See Plate III. fig. 5.)

(6.) *Pugillares*, or *canaliculi*, were pipes or tubes of gold or

k Vide Erasmi Perig. Relig. Ergo.
m Merati, p. 101.
o Du Cange in vocibus
q Mabillon de Lit. Gallic. p. 63
l Gavantus, tom. i. p. 319
n Ibid. p. 97.
p Du Cange in voce.
r Gavantus, tom. i. 318, 319.

silver, through which the laity received the wine out of the chalice before the use of that element was denied them altogether. [s]

(7.) *Cochlear*, the spoon with which the hosts were placed upon the paten, whence they were called cochlearia *tractatoria*.[t] (See Plate III. fig. 11.)

In the Greek church the laity receive the bread and wine together in a *spoon*, in the way of a sop. This is termed communion by *intinction*.

(8.) The *monstrance* or *expository*, also termed the *soleil* (from its most usual form), was the sacred vessel in which the host was exhibited on solemn occasions to the gaze of the people, being seen through a circular piece of glass or crystal in the centre. It was of gold or silver, having generally radiations round it like the sun, having a lofty stem and a stand under it. [u] The *custodia* will be described *infra*, No. 19. (See Plate III. fig. 16.)

(9.) The ΛΟΓΚΗ, in the Greek church, is the spear or lance with which the bread is cut during the Eucharist. [v]

(10). The *asterisk*, in the Greek church, is a silver or pewter cross, bent downwards at the four extremities so as to form a stand. It is placed over the consecrated bread, and covered with a veil, having a star painted or worked upon it. [w] (See Plate III. fig. 7.)

(11.) The *aquæmanile*, the moveable basin in which the priest washed his hands, [x] as distinguished from the *piscina*.

(12.) The *offertorium*, to receive the oblations of the faithful, was a large deep metal dish, embossed in the centre with some scriptural subject or sacred emblem. That which I have seen is of brass and circular, having the Annunciation represented in the centre and a legend round its rim. [y]

(13.) The *osculatory*, or *paxboard*, otherwise called *asser ad pacem*, was a piece of wood or metal, having a representation of our Lord's passion or some other sacred emblem painted or embossed upon it, and a handle at the back. When the ancient kiss of charity fell into desuetude, this, as a substitute, was kissed during the mass by the priest at the words *Pax vobiscum*, and afterwards handed to the people for the same purpose. One which I have seen is, like that engraved in the Archæologia,[z] something like *a flat iron*, but their form was sometimes circular. The cover of the missal, which was often of gold or silver embossed with sacred emblems, was in some instances used as a substitute for a pax-board. (See Plate III. figs. 1, 2, 18.)

(14.) *Diptycha* were two tablets joined together, on one of which were inscribed the names of the living, on the other of the dead, to be recited during the celebration of the Eucharist. One of the prayers in the mass, beginning "*Memento Domine famulorum*

[s] Staveley, p. 190.
[t] Du Cange voce *Cochlear*.
[u] Egl. de Paris, pp. 279, 281.
[v] Picart, vol. v.
[w] Ibid. Plate Opp p. 97.
[x] Du Cange in voce.
[y] In the Norfolk and Norwich Museum.
[z] Vol. xx. p 536.

famularumque tuarum, &c.," and in which the names of Clemens, Cletus, Cornelius, Cyprian, Cosmas, Damian, &c., are recited, is called the "*diptychs*" to this very day. The diptychs which I have seen represented are oblong slabs of ivory, joined together with a hinge and ornamented with carvings on the outside.[a]

(15.) *Pensile tables* (mentioned here with a view to classification) contained the names of benefactors; the indulgences granted to all who should visit some shrine in the church, or a register of miracles wrought there. The names and duties of the *hebdomadarii* or officiants for the week were moreover written upon pensile tablets hung up in the vestry. Fosbrooke states that in one church there were no fewer than thirty-four of these tablets.[b]

(16.) The *crucifix* was always placed over the centre of the altar above the tabernacle: often it was of silver or gold.[c]

(17.) *Flabellum muscatorium* was a fan to drive away flies from the chalice.[d] It was usually of feathers and furnished with a handle. In the Greek church it is like a winged angel. (See Plate III. figs 6, 10.)

(18.) *Thuribulum,* the censer, was a spherical box of metal, with holes in the upper part for the emission of the fumes, and was suspended from the hand by chains. (See Plate III., fig. 8.)

The *navette* (or *ship*) contained the grains of incense with which the censer was supplied. It was something like a boat upon a stand. It was of metal, covered with a lid, and furnished with a spoon. (See Plate III., fig. 9.)

(19.) The *custodia* was a massive silver receptacle, formed like a church or temple, in which the host was deposited and carried in solemn processions.

(20.) *Boette d'or pour les ablutions,*[e] a box for the ablutions of the chalice.

MISCELLANEOUS ARTICLES OF PLATE OR UTENSILS.

(1.) The *holy water vat* was in form something like a silver bread-basket or a bucket, and was furnished with,

An *aspergillum* or *sprinkle,* being either a bunch of hyssop, or a brush fixed upon a handle. (See Plate III., figs. 26, 27.)

The holy water *font* or *stoup,* was a stone basin under a canopied niche near the south door, being cut out of the thickness of the wall.

(2.) *Calefactorium,* in French *rechaud,* was a chafing-dish placed upon the altar in cold weather and filled with charcoal. One mentioned by Du Cange was of silver curiously embossed and gilt, and another of copper embossed and gilt: and in Notre Dame cathedral, in Paris, there was—"a rechaud of silver chased, having rings of silver, and mounted upon four feet, which was placed upon the altar in very cold weather."[f]

(3.) *Tintinnabulum* was the hand-bell, rung by the acolyth at

[a] As at Beauvais cathedral. [b] Fosb. i. 96, note 20. [c] Schurtzfl. p 564.
[d] Staveley, p. 190. [e] Egl. de Paris. [f] Ibid. p. 290.

the *Tris-hagion* and at the elevation of the host, admonishing the people to adore. In some instances however there was a rood-turret supplied with a bell, which was rung on those occasions. (See Plate III., fig. 13.)

(4.) The *cantoral staff* was used by the precentor as a baton to regulate the time of the choir and denote his office. It was also termed *serpentella:* one belonging to Notre Dame was of silver gilt, ornamented with fleurs-de-lis, and surmounted by a niche containing an image of the blessed Virgin. Round it were written texts of Scripture, such as "*Take my staff in thine hand and go thy way.*"[g] (See Plate III., figs. 29, 30.)

In the same church there was also a staff with an image of the Virgin at the top and a serpent at the lower extremity, which, it is stated, was "used upon each Sunday to announce in the sacristy who are to be the officiants of the week."[h] Possibly it may have been handed to each of them in rotation in token of investiture.

(5.) The *chrismatory* was an oblong box with a crested lid, like the roof of a house, containing the three bottles of holy oil, arranged in compartments like a cruet stand. These bottles were for the most part globular, and with long taper necks. (See Plate III., fig. 25, and also fig. 22.)

In the church of Notre Dame there was a silver box for the *cream*, used in the consecration of these oils upon Holy Thursday.

(6.) The *salarium*,[i] or salt-cellar, mentioned in inventories of church plate, was used at baptism, and in the consecration of holy water, &c.

(7.) *Uniculus*[k] was the poor-box, having a hole in the upper part for the reception of money. At Outwell, in Norfolk, there is a grotesque head carved upon the poor-box, the open mouth of which answers the same purpose.

(8.) *Hutches* or *chests*, for storing valuables, are frequently deserving of attention from the exquisite manner in which they are carved. That at East Dereham, in Norfolk, is particularly fine. The cardinal and theological virtues, and the gifts of the Holy Ghost, are the subjects of the wood-work, and our Lord's Nativity is represented upon the iron lock. A very ancient one in the church of St. Mary the Great, Cambridge, is also well worthy of notice.

(9.) Processional banners have been already mentioned, but there were also crosses borne in procession, the cross itself being fixed upon the top of a long staff.

In the Melford catalogue several *cross cloths* are specified, some of them having been of silk. These I suppose to have been banners hung from the point where the cross terminated as an ornamental addition. (See Plate III., fig. 28.)

(10.) "In some churches," says Durandus, "they hang up two

[g] Egl. de Paris, p. 295.
[h] Ibid. p. 298.
[i] Du Cange in voce.
[k] Du Cange in voce. See also Archæol. vol. xx.

ostrich's eggs, or the like, which from their rarity may excite admiration and attract the people to church."

(11.) *Lapis ignitus*, otherwise *petra cum calibe*, i.e. the flint and steel kept in the vestry to light the new fire upon Easter Eve, all the lights of the former year having been extinguished with holy water.[l]

(12.) *Serta*, or garlands, of which there were five belonging to Salisbury cathedral, silver-gilt and set with precious stones.[m] They were probably worn by some of the officiating clergy in processions, as represented in some of the plates to Picart; or they may have been used to adorn the images of the saints; or placed upon the heads of the bride and bridegroom at a wedding. In the Greek church silver crowns are placed upon their heads. There were several garlands at Melford. Burial garlands have been already noticed.

(13.) *Velum nuptiale* was an ornamental veil kept in the church and thrown over the bride at the time of the ceremony. A veil was also used when a woman came to be churched.

(14.) "Eight peyer of coral bedes with their gaudies (i.e. *decades*) and a crucifix" were among the treasures of the *Corpus Christi shrine* at York,[n] and were probably lent to those who visited the shrine to assist them in their devotions, or used by the clergy belonging to the church. There were several other rosaries belonging to this shrine and several at Melford.

(15.) Among the miscellaneous articles included in the catalogue of the Corpus Christi shrine at York, I find—

"Six *corse gyrdles* beying typped, having buckles.

"A *pep' box*, weighing 6 oz. 3 gr.

"*Nine rynys*, with counterfeit stones in three of them.

"Three buckles with a cheyne, a triangle, a harte, *a tache*, a little ryng.

"A *pomaunder* of gold.

"A litle tablett of gold, and w'in y^e^ same an ymage of Seynt Kat'yne of mother of pearle.

"Eight tabletts of sev'all facions, having in some of them counterfeit stones.

"Seventeen silv' spones of sev'all sorts, weighing 20 oz.

"Four cristal stones.

"Two Seynt James' shells."

(16.) When a king, a nobleman, or any other patron endowed a church with lands or tenements, it was customary for him to place a knife, a horn, or some jewel upon the altar in token of investiture. This may probably account for some of the miscellaneous items enumerated in the above and other catalogues. Ladies also frequently presented their necklaces and jewels to decorate the shrines and images of a church.[o]

[l] Du Cange. Item Durand. lib vi. c. 80, § 2.
[m] Britton's Salisbury, ubi supra.
[n] Archæol. vol x.
[o] Blomefield's Norfolk, 8vo. edit., ix. 213, x. 105, et passim.

These were in most instances of *lattyn* or brass.

(1.) *Flowers* or candlesticks were sometimes single and sometimes branched. Thus at Melford there were—

"Two great candlesticks.

"Two second candlesticks called *secondans*.

"A candlestick of lattyn, with ten branches before y^e^ image of Jesus.

"A candlestick with three branches belonging to the Trinity.

"A candlestick with ten branches before the High Altar," &c.

At Witchingham in Norfolk,

"Twenty-four candlesticks of laten for the rood-loft."

And in the churchwardens' accounts, S. Helen's, Abingdon, we find mention made of the *font taper* used at the sacrament of Baptism.

A great deal of information upon this subject will be found in "*the Antiquities of the Abbey or Cathedral Church of Durham*," by Davies, reprinted in 1767.

The consecration candle was larger than the rest and lighted at the commencement of the canon. (See Plate III., figs. 3, 17.)

(2.) The Paschal candlestick was very large and richly ornamented. It contained an enormously thick wax candle, which was lighted on the morning of Easter-day, the wax itself being curiously adorned with grains of incense and inscribed with the epact dominical letter, &c., also the names of the reigning Pope, king, and bishop of the diocese, and the date of the consecration of the church.[p]

(3.) *Coronæ* were lustres of a circular form and with candles set round them. They hung from the roof, and were frequently in stages representing a crown. (See Plate III., at the top.)

(4.) *Lampades*, or lamps, supplied with oil or tallow, and *cressets*, or basins, may be conveniently classed together from the similarity of their use. These generally hung from the roof before an image, but sometimes the stone bracket before an image was hollowed out into the form of a basin filled with tallow and supplied with a wick. Thus at Durham "on every side was a large image whereon stood a square stone which had twelve cressets wrought therein and were filled with tallow, and every night one of them was lighted to give light to the monks at midnight when they came to matins."[q] Another sort of cresset was a species of fire-basket supplied with wood for fuel, and hung upon a church tower, a beacon turret, or before an image in the open air. At Durham there were three fine silver basins with chains of the same metal hanging before the high altar, having great wax candles in them which burned night and day. The terms "the *basin* light," "the *rowell* light," and "the *beam* light," are of frequent occurrence in old inventories.

[p] Du Cange, Cereus Paschalis.

[q] Antiq. of Durham, p. 25.

(5.) *Hercia ad tenebras*, otherwise called *ezra* or *occa*, was a triangular stand containing fourteen yellow wax candles, to signify the Apostles and the three Maries, and a white one in the centre to represent the Saviour. These gradually rose one above another.—At the *Tenebræ* in Passion week fourteen psalms were recited, and a taper extinguished at the end of each, and finally the taper of white wax still lighted was concealed near the altar, so as to leave the church in total darkness.[r] (See Plate III. fig. 19.)

(6.) A standing herse, otherwise termed a *catafalque* or *chapelle ardente*, was erected in a church when the body of some illustrious person was to lie in state. It was ornamented with banners and escutcheons, and supplied with a vast number of wax tapers.[s] (Plate II. fig. 3.)

(7.) *Taper staves*, to carry in processions, were long wooden wands with a socket for a candle at the top. Sometimes they were supplied with three branches, and sometimes there is a crucifix in the centre between two lights.

(8.) *Torches*, also carried in processions, require no description. The term "*Judas torch*" occurs in one old inventory which I have seen.

(9.) *Boeta lucerna*, the lantern carried before the host when the priest went in rough weather to visit the sick. (See Plate III. fig. 23).

PICTURES AND IMAGES—TABLES, TAPESTRY, &c.

(1.) Panel paintings at the back of the altar, &c. were sometimes large squares or oblongs, representing some entire legend or scripture subject. At other times the altar-screen was, like the rood-screen, in narrow compartments, each of which contained a picture of some saint with his appropriate emblem; his head being surmounted by a *nimbus*, and with a diaper pattern painted in the back-ground. The heading of the compartment serves as a canopy.

The same description applies to the lower part of the rood-screen, Norfolk being richer in specimens than any part of the kingdom: those of Worstead and Randworth are probably the finest in the county.

(2.) Images were sometimes of solid silver. Thus, at Salisbury there was "one of the Deity with our Saviour young, 74 oz.; one of our Lady, 50 oz. Another great and fair image of S. Osmund, 83 oz. of silver gilt, and ornate with precious stones and pearles." And at Durham cathedral there was a representation of our Lord's Passion, with S. John on one side and the blessed Virgin on the other, "being large pictures of a yard of five quarters long," very richly wrought in silver, all smoked black over, and on every one of their heads a crown of pure beaten gold."[u]

[r] Brit. Mag. Oct. 1842, p. 416.

[s] See Plates in Vetusta Monumenta relating to Abbot Islip.

[t] "The *Snuffers* (says Durandus) represent the word of God, with which we cut off the letter of the law, and show forth the brightness of the Spirit; and the *Extinguisher* represents the hearts of the faithful, which strictly obey the very letter of the law." (Lib. I. c. 3. Num. 28)

[u] Antiq. of Durham, p. 22.

The generality of these images were however carved in wood or stone. The "*imago principalis in cancello*" was the image of the patron Saint of the church in its chancel.

On their festivals and other solemn occasions, they were splendidly dressed and decorated with jewels. Thus in the Melford catalogue are specified the

"¶ *Coats belonging to our Lady.*

"A coat for the good days of cloth of tissue bordered with white, and for her Son another of the same.

"A coat of crimson velvet, and another for her Son.

"A coat of white damask bordered with green velvet.

"A vestment of green satin," &c.

(3.) *Tables* of alabaster, sculptured in relief, painted and gilt, are of frequent occurrence. There is one at S. Peter's, Mancroft church, Norwich; another at S. Stephen's, Norwich, and another at Melford, Suffolk.

(4.) *Tapestries*, representing scriptural subjects or legends, were often hung upon the church walls. Altar cloths and vestments were also often beautifully adorned with needlework, in which our fair countrywomen excelled.

From the Melford catalogue it appears that scriptural subjects were frequently *stained* upon cloth.

(5.) *Frescoes* (using the term loosely to signify paintings upon sized plaister) may frequently be traced upon the walls of our ancient churches. Thus at Catfield church in Norfolk, the whole space above the pier-arches upon both sides is painted with representations of the wheel of fortune, seven sacraments, seven mortal sins and their punishment, and various legends. Sometimes diaper patterns are painted upon the walls, and the image of S. Christopher carrying the infant Saviour is often painted upon a large scale over the north door.

(6.) Of *stained glass* there are too many beautiful specimens in the kingdom to require a particular description. The early specimens are like mosaic work, being small pieces of one colour, each being separately leaded.[u] Mention is made of this species of ornament about the middle of the ninth century, but that in the aisles to the choir of Canterbury cathedral, made about the beginning of the twelfth century, is probably our oldest English example.

(7.) *Prior Crauden's* chapel at Ely contains a very curious *mosaic pavement*, representing the fall of our first parents, but I know not of any other instance of the kind.

Encaustic tiles, which being laid together form a sort of diaper pattern, are by no means uncommon, and these pavements are often very beautiful.[v]

[u] See Gent. Mag. Apr. 1817, p. 309. Also Brayley's Graphic Illustrator, p. 9.
[v] Gent. Mag. July 1834, p. 41.

(8.) Wood carvings of angels or the like, are frequently observable in the interior of the roof.

The *misereres* under the stalls, and the *poppy-heads* at the ends of the benches, are often grotesquely carved: and the *gurgoyles*, or grotesque *stone* heads containing water-spouts, belong to the same category.

A *vernakill* (called also veronica) was a handkerchief or napkin, whereon was the representation of our Saviour's face. One of these was given to the abbey of West Dereham, Norfolk.[w]

The *mappa mundi*, often placed over the altar, was a picture of the Day of Judgment.

An *All-hallows* was a picture or a sculptured representation of all the saints.

A *Jesse* was a representation of our Saviour's genealogy, like a tree proceeding from the root of Jesse (David's father), each generation being represented in effigy at the ends of the branches.

The cardinal and theological virtues, works of mercy, and other allegorical subjects, were often represented in churches.

My catalogue of Saints' Emblems, published in the first number of the Archæological Journal, will materially assist the reader in the interpretation of ancient art.

THE ROOD-LOFT—THE MINSTRELS' GALLERY—CHURCH MUSIC.

(1.) The *rood-loft* was in most instances a gallery under the chancel-arch, and received its name from a large image of our Saviour on the cross (or rood), together with those of the blessed Virgin and S. John the Evangelist, fixed upon the outer ledge facing the west. It was ascended by a well staircase, and specimens still exist (but of course without the images) at Guilden Morden, Cambridgeshire; Honiton and Totness, Devon;[x] Mawgan in Cornwall; Lullingston, Kent; Skeffington, Leicestershire; Sherringham, Fundenhall, and Attleborough, Norfolk, &c.: but in most instances the rood-screens alone remain between the nave and chancel, the loft itself having been removed. (See Plate II. fig. 6.)

The rood-loft was used as a gallery for the clerks who sang during the intervals of the mass; and "on Good Friday a priest standing by the rood sang the Passion."

(2.) A *minstrels' gallery*, forming a sort of orchestra for the accommodation of vocal and instrumental performers, though not uncommon in continental churches, is very rarely met with in this country. There is a gallery of this sort over the altar-screen at Chichester cathedral, and another, much more remarkable, near the middle of the north side of the choir of Exeter cathedral.[y] It is supported upon thirteen pillars, between every two of which, in a niched recess, there is a sculptured representation of an angel play-

[w] Blomefield's Norfolk, folio edit. iv. 93.
[x] Lysons' Magna Britannia, vol. vi. p. cccxxviii.
[y] It is engraved in Britton's Exeter Cathedral.

ing upon some musical instrument. Among these we observe the cittern, bagpipe, harp, violin, pipe, tambourine, &c. The roof of Outwell church, Norfolk, and the minstrels' column at Beverley, also exhibit a great variety of musical instruments anciently used in our churches, independently of the organ and the *regalls*, which was a small portable organ, having one row of pipes giving the treble notes, the same number of keys, and a small pair of bellows moved with the left hand.

AMBO—PULPIT—FALDSTOOL—LETTERN—CONFESSIONAL.

(1.) The *ambo* was a large square pulpit or desk, ascended by two flights of steps, and standing in the centre of the nave of a primitive church.[z] Here the clergy stood while they recited that part of the service at which the catechumens, penitents, and energumens were allowed to be present. One of these primitive ambos is represented in Plate II. fig. 4.

(2.) Singularly enough, the *pulpit* is not included in any catalogue of church furniture set forth in this country during the middle ages.[a] There are, nevertheless, pulpits of undoubted antiquity in various parts of the kingdom: there are wooden pulpits at Stow in Lincolnshire, Madeley, Lutterworth, &c.; and stone pulpits at Molton, Bovey Tracey, Chittlehampton, &c.

Anciently the *water-glass*, termed CLEPSYDRA, and the *sand-glass*, termed HOROLOGIUM SCIOTERICUM, were employed to regulate the duration of the sermon. An iron stand for an *hour-glass* is frequently seen at the corner of an old pulpit, and sometimes the glass, itself curiously painted and adorned, still remains, as at S. Alban's, Wood-street, London.[b]

(3.) The *faldstool* was a portable kneeling-desk. (See Plate III. fig. 20.)

(4.) The *lettern*, or *analogium*, was a moveable reading-desk, breast high, from which the epistle and gospel were read and a few other parts of the service.[c] Some of the existing specimens are of wood, like a double desk turning on a pivot, and some of bronze, commonly like an eagle or a pelican, with expanded wings. (See Plate III. fig. 24.)

(5.) The *confessional* is usually represented upon fonts as a high-backed chair, in which the priest sat while the penitent knelt before him. At Crewkerne in Somersetshire, there is a door on each side of the altar, leading to a small confessional room at the back; and at Bishop's Cannings in Wiltshire, there is a confessional *pew*. At Norwich cathedral, the voice of the penitent passed through a hole in the wall near the altar. Similar to this is the confessional in the Beauchamp chapel, Warwick.

[z] Bingham, b. viii. c. 5. § 4. Item Staveley, chap. xii.
[a] Sermons were often delivered at the preaching cross, or from the steps of the altar.
[b] Gent. Mag. Sept. 1822. Item Burii Onomasticon, p. 432.
[c] Fosb. i. 95.
[d] Brit. Mag. April 1835.

THE FONT AND ITS CANOPIES.

Fonts were *usually* but not *invariably* of stone;[e] sufficiently capacious to admit of the total immersion of an infant; lined with lead, and having a drain to carry off the water (with a plug). They were raised upon steps, and stood towards the west of the nave.

Those which may probably be ascribed to Saxon or Norman times present a great variety of form. That of Kirkburn in Yorkshire is cylindrical; that of Hereford cathedral is semiglobular; that of S. Peter's, Oxford, is oval; that of Newington in Kent, is fixed against the wall, beaufet fashion; and that at Winchester cathedral is square. It is of black marble, rudely sculptured with legends from the life of S. Nicholas (?), and has been engraved in the *Antiquarian Repertory*.[f] In the later specimens the octangular form is almost invariable.

The sculptures with which our English fonts are decorated, are too various to admit of classification. I would, however, particularly direct the reader's attention to the font of Winchester cathedral just referred to; and to those of Burnham Deepdale, and Fincham, Norfolk, and that of Melton in Suffolk, engraved in the tenth volume of the Archæologia; and to the very interesting collection of fonts recently published by Mr. Van Voorst.

In some cases the font is surmounted by a lofty pyramidal top, richly carved in wood, with pinnacles and niches,—as at Worstead and Castle Acre in Norfolk: and sometimes (though very rarely) we observe a spacious *canopy* over the font (analogous to a *ciborium*) supported upon columns, and sufficiently large to accommodate the whole baptismal party. There is one of these at Luton church, Bedfordshire,[g] and another at Trunch church, Norfolk. The latter (which is of wood, painted and gilt) is represented in Plate II. fig. 2. At Hingham church in Norfolk, there is a curious cancrine inscription over the font, which, whether it is read backwards or forwards, is exactly the same, viz.

ΝΙΨΟΝΑΝΟΜΗΜΑΜΗΜΟΝΑΝΟΨΙΝ

(Νιψον ανομημα μη μοναν οψιν)

Wash thy sin, not only thy face.

SEMANTRA—BELLS.

(1.) Before the invention of church bells (circa A.D. 400), the people were summoned to divine service by the sound of a table of wood, brass, or iron, struck like a gong, and termed *σήμαντρον*: nor was its use totally discontinued for some ages afterwards, for we find it noticed in Archbishop Lanfranc's Monastic Institutes, written after the Conquest. The *χειροσήμαντρον*, used to this very day in

[e] Some are of lead, as that at Plumstead Magna, Norfolk; and there was one of carved wood at the Strangers' Hall, Norwich.

[f] By Grose and Astle, 4 vols. 4to. 1807-9.

[g] Gent. Mag. 1778 p. 505.

the Greek church for the same purpose, is a slab of wood, curved slightly, hollowed in the middle, and struck with a wooden mallet.[h]

(2.) Bells are of very early introduction into this country, having been expressly mentioned by Bede:[i] but the first peal of bells of which we have any notice in English history, was that belonging to the abbey of Crowland in the ninth century, and consisting of seven.[j]

In the middle ages, each bell was solemnly *baptized* by the bishop in the name of the Father, Son, and Holy Ghost; receiving the name of some saint, and signed with the sign of the cross. Sponsors were (I believe) appointed. The bell itself was covered with drapery: holy water, salt, cream, tapers, &c. were employed during the ceremony, and the bishop prayed that the Lord would "sanctify it with (His) Holy Spirit...pour upon it (His) heavenly blessing...and...infuse into it the heavenly dew of (His) Holy Ghost, that the devil may always flee before the sound thereof."

In the *reformed* Tridentine Breviary, this ceremony occupies *thirteen pages* in 12mo.![k]

A leonine verse is often found stamped upon a bell; *ex. gr.*

·In·Thome·Laude·Resono·Bim·Bom·Sine·Fraude·

SEATS OF THE CLERGY—SEATS OF THE PEOPLE.

(1.) The Bishop's throne (from which the term cathedral is derived[l]) in primitive times stood in the very centre of the *apse*, behind the altar, the seats of the presbyters being arranged on each side in a semicircle. The throne of Exeter cathedral, under a richly carved and crocketed canopy, rising to the very roof of the choir, is by far the most beautiful in England. That at Durham is also remarkably fine; and a more ancient specimen may be seen in Hope's Architecture.[m]

Independently of his fixed throne, the bishop had a moveable seat which might be placed for his accommodation near the altar or in other parts of the church. It was usually a folding chair, which might be opened like an X, whence it was termed *faldistorium* or *sella plicatilis*.[n]

(2.) The *sedilia* have been already described, p. 231.

(3.) In conventual churches (whether cathedral or collegiate) we usually observe a number of stalls, under rich gothic canopies, carried along the walls of the choir on both sides, from its western entrance almost to the throne. These were for the senior monks, and were usually supplied with the hinged seats called *misereres*, which being turned up, supplied a narrow ledge on which the aged monk was allowed as an *indulgence*[o] to support himself, half sitting, half leaning, during the parts of their long service: when turned down it

[h] Schurtzfl. pp. 402, 407. In Picart's Relig. Cerem., Lond. 1776, vol. v. p. 94 and 148, the reader will find a full description, and also an engraving of a *metal* specimen.
[i] Hist. lib. iv. c. 23.
[j] Ingulph. edid. Saville, Lond. 1596, p. 505.
[k] Paris, 1646, p. 385, &c.
[l] καθεδρα sedes.
[m] Plate xxvi.
[n] Frontisp. fig. 7.
[o] Hence the name.

was as large as an ordinary seat. Misereres were often grotesquely carved.

(4.) *Forms* for the inferior monks were placed in front of the stalls.[p]

(5.) *Seats of the people* were usually long forms with backs, carved at the ends with *poppy-heads*, and sometimes with open work at the back, and grotesque figures of animals, forming a sort of outer elbow.[q]

(6.) *Pews* and *galleries* were anciently very rare, but not absolutely unknown. There is an ancient pew at Melford, and an ancient gallery at the west end of Worstead church, Norfolk.

STOOL OF PENANCE—FINGER PILLORY—TUMBREL, &c.

(1.) The *stool of penance* was a moveable wooden stool, on which any one who had been guilty of some public and notorious vice, was condemned to stand during the service, and do penance before the whole congregation in a white sheet, with a taper in his hand, and a statement of his crime fastened upon his breast.

In Lanfranc's Monastic Institutes, mention is made of the *gradus satisfactionum*,[r] the step on which delinquent monks did penance before their brethren.

(2.) The *finger pillory*, used to punish brawlers in the church, was a table with grooves about the depth of half a man's finger, covered with a hinged board; having corresponding hollows, and a hasp at the end. In this the brawler's finger might be fixed as in the stocks, which exposed him to the derision of the whole congregation. That at Ashby-de-la-Zouche is probably the only example in the kingdom.[s]

(3.) The TUMBREL, *coke-stool*, *cucking-stool*, *cuckle-stool*, or *ducking-stool*, was a wooden seat like a chair, on which a scold or lewd woman was placed and lowered into the water, by means of ropes fastened to the upper part. Specimens may be seen in Cruden's "*History of Gravesend.*"

(4.) The *discipline*, with which delinquent monks and other penitents were scourged, is sometimes represented as a birch rod, but more commonly as a handle with a number of thongs knotted or leaded. (See Frontisp. fig. 2.)

(5.) The cell called *little ease*, occasionally found in conventual churches, in which one monk might be confined at a time, was too narrow in its dimensions for the prisoner either to sit or lie down. Sometimes it commanded a view of the altar.[t]

(6.) *Vexillum cilicinum* was a banner of haircloth, carried before the clergy when they went in procession on Holy Thursday to receive the penitents at the church door.[u]

p Du Cange, voce *Forma*.

q In the Greek church, the people stand during Divine service, supporting themselves upon crutches or sticks.

r Wilk. i. 349.

s Gent. Mag. Nov. 1840, p. 465.

t Britton, Arch. Dict. voce *Prison*. Item Gent. Mag. Nov. 1783, Jan. 1784.

u Du Cange in voce.

§ 6. *Liturgical and Devotional Books.*

Various modes of celebrating the Divine offices formerly prevailed in different parts of the world; of which the Liturgies of S. James, S. Basil, and S. Chrysostom, the Ambrosian, Gregorian, and Mosarabic Liturgies, the last of which was used in Spain, and the "*Cursus Gallicanus*," (analysed in my introductory discourse,) are remarkable examples:[v] and a reference has been made to a very ancient essay upon this subject published by Sir Henry Spelman. The difference to which I allude did not in the least affect the fundamental articles of religion, and when it applied only to national forms, was of very little importance: when, however, (as was the case in England) various service-books were employed in the same kingdom, this want of uniformity must have been productive of the most serious inconvenience. *Five* different rituals were used in this country before the Reformation: viz. the "*Uses*" of Salisbury (or *Sarum*), Hereford, Bangor, York, and Lincoln; and indeed the history of the "*Use of Sarum*" clearly exemplifies the nature of the evil.[w]

About the year 1067, Thurstan, a Norman, appointed abbot of Glastonbury, endeavoured to obtrude a new service upon his monks, introducing soldiers into the very church to enforce obedience. This gave rise to a most disgraceful brawl, in which eight monks were wounded, and two slain. Church forms, candlesticks, and crucifixes were used as weapons in this "*holy war*:" and it is said, that in consequence of this, Osmund, bishop of Salisbury, soon after composed the celebrated "*Use of Sarum*" which was so generally adopted in England; though the other "*uses*" were employed to a certain extent.[x]

Before the middle of the 15th century the service-books were all written upon vellum, often beautifully illuminated, and splendidly bound. I have seen covers of massive silver, richly chased and gilt, embossed with figures of saints, and adorned with jewels. The expense to a parish of the books mentioned in Winchelsey's constitution must have been enormous.

On the other hand it must be recollected, that the durability of these vellum books compensated in a great degree for the extent of the original outlay: and besides, although the archbishop's catalogue of books to be provided at the expense of each parish wears such a formidable appearance, each consisted of a very few leaves. Indeed the Kalendarium, Antiphonarium, Venitare, Ympnare, Missale, Collectare, Epistolarium, Evangelistarium, Psalterium, Rituale, and Pontificale, are all *substantially* included in our Book of Common Prayer.

In nine letters published in the *Christian Remembrancer*, in the years 1839 and 1840, I gave a full account of these ancient service-books: but on the present occasion a very brief alphabetical list is the utmost that I am able to afford.

[v] See the Collections of Liturgies by Brett and Le Brun; also Mabillon de Lit. Gall. and Thomassius, Cod. Sacram. and Goar's Ευχολογιον.

[w] Pref. to Book of Common Prayer. [x] Fuller's Ch. Hist. cent. xi. p. 8.

Alphabetical List of Books.

ABOMINARIUM, a book containing the forms of anathema, excommunication, and interdict. (*Du Cange.*)

AGENDA, sometimes signifies the *Ritual*, sometimes the *Benedictional* (*quod vide*), and sometimes the evening service of the church.

ALA, a tablet, containing the form of ordination used in the Greek church.

ALBUS (otherwise *matricula*) was the roll of the clergy belonging to the church. Sometimes it means the *kalendar*, containing the names and anniversaries of the saints.

ALLELUIARIUM, was a collection of the *alleluiatici psalmi*, i.e. the twenty psalms to which *Hallelujah!* is prefixed. Such are Psalms ciii., civ., cvi., &c. The superstitious practice observed in some cathedrals of *burying* the *Hallelujah* at the begining of Lent (during which it was never chanted in the choir) is described in Du Cange's Glossary.[y] A turf, having the word *Alleluia* written upon it in golden characters, was carried by the clergy in procession like a coffin, from the choir to the cemetery, and deposited there.

ALLEN. The creed inscribed in golden characters upon a silver shield, hung up in a church or oratory. (*Du Cange.*)

ANAΦΘΡΑ. The missal of the Greek church. See *Missal.*

ANTIPHONARIUM. The book containing the versicles and responses used throughout the year; such as the *Introits* of the mass, &c.

The APOCRYPHAL GOSPELS were well known in England during the middle ages. Those of "*the infancy*" were translated into Anglo-Saxon before the Conquest; and Erasmus tells us that when he visited Canterbury cathedral, he saw the Gospel of Nicodemus chained to one of the columns (for the use of the laity).[z]

APOSTOLICUM. The fourteen Epistles of S. Paul, and those of SS. Peter, James, John, and Jude, collected together in a volume.

APXIHPATIKON. The Greek *Pontifical*, Q. V.

BAPTISTERIUM, probably another name for the *Ritual*, Q. V.

BENEDICTIONAL. A book for the use of bishops, containing forms of benediction, varied according to the festival or the office in which they were engaged,—the solemn benediction of the people during the mass having been an exclusively episcopal function. The Benedictional of archbishop Robert, described in vol. xxiii. of the Archæologia, and that of S. Ethelwold in vol. xxiv. will give the reader all the information that he can require.

The latter is exceedingly splendid, being enriched with many facsimiles of illuminations executed in the tenth century, (*circa* A.D. 978).

BIBLIOTHECA, was a summary of the Old and New Testaments, compiled by Jerome.

BREVIARIUM.[a] A book for the use of the clergy containing the

[y] Vocibus *Alleluia Clausum*, item *Alleluiaticæ Exequiæ.*

[z] Perigr. Religionis Ergo.

[a] See my letter in the *Christian Remembrancer*, June 1839, p. 356, &c.; also the first letter in the series.

psalms, hymns, lessons, versicles, responds, collects, &c., recited during the seven canonical hours,[b] some of which vary throughout the year, while others are continually the same.

There are either three, six, nine, or twelve lessons, according to the dignity of the festival. Each of these lessons consists either of some ten or twelve verses out of the Bible, or a short legend of one of the saints. Every day in the year, *five-and-twenty psalms* at the fewest are recited, and on Sundays and some festivals as many as *six-and-thirty, including in all instances that which we number Psalm* cxix.

Every day the Lord's Prayer is repeated on an average a dozen times; the Creed always three times, and often more. There are moreover eight hymns, eight or ten prayers or collects, and four or five canticles; besides a number of versicles, responses, anthems, and benedictions belonging to the breviary service for every day in the year, which all in *holy* orders (subdeacons, deacons, priests, bishops, &c.) are bound to recite on pain of mortal sin.[c]

COLLECTARE, collects for the Sundays and festivals throughout the year.

CONFESSIONALE, the same as *Pœnitentiale*, Q. v.

CONSUETUDINARIUM, the *Ritual*, Q. v., or the *Portifory*, Q. v.

CURSUS, the liturgy or Eucharistical service, which varied in different churches. (*ex. gr.* Cursus Romanus, Cursus Gallicanus, Cursus Scottorum, &c.[d])

DIRECTORIUM, the *Ritual*, Q. v.; or the *Portiforium*, Q. v.

EMORTUALE, a book containing the office for the visitation of the sick, the service of the viaticum mass, extreme unction, commendation of a soul departing, and the burial office. (Suppl. to *Du Cange.*)

ENCHIRIDIUM, the *Ritual*, Q. v.

EPISTOLARIUM, the *Epistles* for the Sundays and holidays throughout the year.

EVANGELISTARIUM, the *Gospels* for the Sundays and holidays throughout the year. At a bishop's consecration, the book of the Gospels was laid open upon his shoulders, and the passage at which it was fortuitously opened was considered prophetic of his episcopal career.[e]

ΕΥΧΟΛΟΓΙΟΝ, the ritual of the Greek church.

EXORCISMORUM LIBER, contained the forms of prayer to be said over the *energumeni* or possessed, and that part of the baptismal service in which Satan was commanded to go out of the child.

FERIALIS LIBER, contained the service for Saints' days.

GRADALE (otherwise termed the *grail*) contained the tracts, sequences, hallelujahs, creed, offertory, trisagium, &c. The tracts and sequences used anciently to be sung as the deacon ascended the steps of the *ambo*. Hence the term *gradale* (quasi a *gradibus*).

[b] See in this chapter my note to Wilk. ii. 513.
[c] Schram. tom. iii cap. xix. § 1184, and Schol.
[d] Wilk. iv. 741.
[e] Du Cange, voce *Sortes Sanctorum.*

HOMILIARE, homilies of the fathers collected together and read to the people.

HORÆ, or *Horarium*, a collection of private devotions for the use of the laity.[f] It is something like the *Breviary*, but without the lessons, and contains also graces before and after meat; devotions on entering a church; on receiving the holy communion; forms of self-examination before confession, and the like.

HOROLOGIUM (ΩΡΟΛΟΓΙΟΝ), the breviary of the Greek church.

KALENDARIUM, was much the same as that in our Book of Common Prayer; viz. the months, the anniversaries of the saints (or fixed festivals), and the rules for finding Easter and other moveable festivals.

LEGENDA,[g] the *lectionary*, contained lessons from the Bible, and also from the lives of the saints, which were publicly read in the church.

The LEGENDA AUREA was a collection of the lives and miracles of the saints compiled in the middle ages; and there are many other works of the same kind, but the largest collection of these legendary histories is the "*Acta Sanctorum*," published at Antwerp in fifty-three volumes folio, *and yet not complete!*

LITANIA, the *litany*, was of two kinds, the *major* and the *minor*, differing chiefly from each other in length and solemnity, and from our own litany in respect to the invocations of the saints.

The *litania major* (or litania *cum nigris crucibus*) was chanted during the rogation procession.[h]

LITURGIA (properly so called) was the Eucharistical office.

MANUALE, the *ritual*, Q. V.

MARTYROLOGIUM, the same as the *passional*, Q. V.

MATRICULA, *i.e.* the *albus*, or roll of the clergy.

MATUTINALIS LIBER, contained the service for *matins*.

MEMORIALIS LIBER, the *necrology*, Q. V.

MENOΛΟΓΙΟΝ the *lectionary* of the Greek church.

MISSALE, the ordinary and canon of the mass, the prefaces, completoria,[i] &c.

MYSTERIES (or miracle plays) were not only sanctioned by the clergy, but sometimes even *acted in the church*.[j] Several curious collections (viz. the Chester, Coventry, and Townley) are still extant.

NECROLOGIUM, contained the names of benefactors, the *rule* of the order, and often a catalogue of the church furniture, &c. belonging to the convent.

OBITUARIUM, contained the burial office; and the names of the deceased were often registered in the blank pages at the end.[k]

f Christian Remembrancer, March 1840, p. 161.

g Durandus distinguishes between the *Legenda*, containing the lives of *confessors*, and the *Lectionary*, containing lessons out of the Epistles of S. Paul, &c. lib. vi. c. i. num. 30. 31.

h See Du Cange, voce *Litania Septiformis*.

i Christian Remembrancer, July, Sept. and Oct. 1839, pp. 410, 557, 614.

j Du Cange, vocibus *Festum Asinorum Kalendæ*. *Stellæ Festum et Stella*.

k Du Cange in voce.

Ordinale, the same as *portiforium*, q. v.

Passionale, contained a narrative of the lives and sufferings of the martyrs.

Pœnitentiale, contained directions to the priest for hearing confessions, a list of *reserved cases*, forms of absolution, and the penances which he ought to enjoin.

Pontificale,[1] the *pontifical*, contained the services appropriated to all the *episcopal* functions, such as confirmation, ordination, the dedication of churches, &c.

Portiforium, otherwise called the *Pie*, was a book of rubrical directions to instruct the clergy as to the due performance of Divine service, and the administration of the sacraments.[m] Sometimes however the word is used to signify a *breviary*.

Processional, was a book containing the services used at the rogation and other processions.

Prosarium, contains the *proses* or hymns sung before the Gospel at high-mass.

Psalterium, or the Book of Psalms, is numbered in the vulgate differently from our version, owing to the circumstance that our 10th Psalm forms a part of Psalm 9th in the vulgate; and, on the other hand, they make two Psalms out of our 147th, dividing it at the end of our eleventh verse; so that there are 150 Psalms in the vulgate as well as in the book of Common Prayer. Between the 9th and 147th Psalms inclusive, *by deducting one* from any psalm as it is numbered in our Prayer-book or Bible, the reader will see in a moment where it stands in the vulgate: *ex. gr.* our 119th Psalm is the 118th in that version; our 130th is there numbered 129th, and our 136th (to take the psalms at random) is in the vulgate Psalm 135; while Psalms 1, 2, 3, 4, 5, 6, 7, 8 and the *beginning* of Psalm 9, and Psalms 148, 149, and 150, are numbered the same in both versions.

Psalterium Virginis Mariæ, the work of cardinal Bonaventure, a canonized saint of the church of Rome, will be particularly noticed in the 8th section of the present introduction.

Regestum, *registrum*, a register of any sort; also an *inventory* of effects.

Regula, a book containing the monastic rule of the order to which the convent belonged. The *Benedictine rule* prevailed very generally in this country.

Responsoriale, *responsoir*, the *antiphonarium*, q. v.

Rituale, the *ritual*, contained the prayers used in administering baptism, penance, matrimony, and extreme unction: also the form of administering the Eucharist to the laity with hosts ready consecrated and reserved. It also contained the office for the visitation of the sick, and the whole service of processions.[n]

[1] Christian Remembrancer, Nov. and Dec. 1839, pp. 680, 751.

[m] Wheatly, also Du Cange, and Suppl. voce *Portiforium*.

[n] Christian Remembrancer, Jan. 1840, p. 41.

Rotulus, the roll of parchment on which was inscribed the names of all the members of a religious confraternity. Also a roll of parchment sent by the monks of a convent to announce the death of any of their body to monasteries with which they were in confraternity, that they might receive the benefit of prayer. [o]

Sacramentale, any book relating to the sacraments, whether ritual or didactic.

Sacrarium. The form of consecrating holy water, tapers, palms, ashes, &c. collected together in a book.

Sacrificiorum liber, an exposition of the rubricks belonging to the mass; also the *mass* itself.

Sanctoralia, the lives and legends of the saints.

Sermocinalis liber, the *homiliarium*, q. v.

ΣΥΝΑΞΙΣ, the Greek liturgy.

Synodalis liber, the book in which were inserted from time to time the canons of œcumenical, national, provincial, and diocesan synods.

Tabella Secretarum, a wooden board on which was pasted or fixed a schedule of the *secreta*, and other parts of the service which could not conveniently be read out of the missal. On solemn occasions it might be inserted in a splendid frame.

Troperium contained the versicles used after the *introit* of the mass, and also the *sequences*, or responses made by the people after the Epistle.

Venitare, the book containing the *invitatories:* it took its name from the hymn "*Venite exultemus Domino.*"

Ympnare, a collection of hymns.

§ 7. *Ecclesiastical Vestments.*

Putting the apostolic age entirely out of the question for lack of any tangible evidence, there is reason to believe that the earliest outward distinction between the laity and clergy consisted in the colour and material of the dresses worn by the latter rather than in their form. The birrus, pallium, colobium, orarium, and tunic, were all of secular and heathen origin,[p] but at an indefinitely early period: the Christian priesthood adopted the use of white linen as their distinctive badge, and for several ages their vestments were invariably of this simple material. Indeed, this was *generally* the case till about the seventh century, though there may have been a few exceptions to the rule. In the fourth century the emperor Constantine gave to Macarius, Patriarch of Jerusalem, a splendid robe embroidered with gold, to be worn by him when he administered the sacrament of baptism: but both bishops, priests, and deacons usually wore the "*candida vestis*," the λευκὸν χιτωνισκον, the "*alba vestis;*" and Gregory of Tours, who flourished as late as the year 596, describes the priests and deacons of his time as being arrayed in white linen. [q]

[o] Du Cange. [p] Bingh. b. xiii. c. 8, § 1, &c.; item b. vi. c. 4, § 19, &c.
[q] Hieron. contra Pelag. lib. i. Item Chrysost. in Matth. Hom. 82, 83. Item Greg. Turon. de Glor. Confess. c. 20.

In process of time, however, this primitive simplicity was laid aside; the most costly substances (silk and velvet, jewels and gold) were lavishly employed in ornamenting the dresses of the priesthood, and all the colours of the rainbow were brought into requisition. White or blue vestments were worn on the festivals of confessors, virgins, or angels; and also from the vigil of Christmas-day till the octaves of the Epiphany inclusive. Red or purple were used on the solemnities of apostles, evangelists, and martyrs, and also from the vigils of Pentecost till Trinity Sunday. Violet was the colour appropriated to Good Friday, days of public humiliation, and from Advent Sunday till the eve of the Nativity. Black vestments were also sometimes worn on Good Friday [r] or other solemn fast days, at rogation processions, and masses for the dead. Finally, green or yellow were used on ordinary Sundays or other days. [s]

The chalice-veils, and other drapery of the altar, were varied so as to correspond with the vestments of the priest.

The vestments of the clergy, as well as most of the articles of church furniture which have been hitherto described, were hallowed by the benediction of the bishop: they could be handled only by those who were at least in minor orders, [t] and when worn out, they were to be burnt and the ashes thrown into the piscina.

Most commonly they were of silk or velvet, embroidered with gold thread (or *aurifrisium*): and our ancestors excelled so much in this species of embroidery, that it was usually termed *Anglicum opus*. [u]

There is a green velvet cope in Ely cathedral, of a semicircular form, with gold flower-pots wrought upon it; it has a border of needlework representing various saints, and the *capucium* (or hood) contains a representation in needlework of the *Annunciation*.

Sometimes they were of cloth-of-gold, adorned with jewels. A chasuble, dalmatica, and tunicle, given by king Sebastian of Portugal to S. Peter's church at Rome, are embroidered with *eight hundred pounds weight of pearls!* [v] ("Les perles de cette broderie pesent huit cent livres.")

Sometimes these vestments were padded and sown in artificial folds, whence they were termed "*algotatæ*" or "*corrugatæ*" vestes; and in ancient times they were sometimes bordered with gold or silver bells. [w]

The ritualists of the Greek and Roman churches, have attributed a mystical or symbolical meaning to each of their sacred vestments, as the reader will find by referring to the *Rationale* of Durandus, and Gretser's notes upon Codinus, cap. xvi. p. 181, &c.

[r] At Melford, Suffolk, a *red silk* cope was worn on Good Friday.
[s] Durand. lib. iii. c. 18. [t] Ibid. lib. i. c. 3. num. 48; et *Pontif. Rom.* passim.
[u] Du Cange in voce *Anglicum opus.*
[v] Voyage d'Italie, Lassels, Paris, 1671, tom. i. p. 340.
[w] Du *Cange* in vocibus *Algotatæ, Corrugatæ, Tintinnabulum,* et *Tunica.*

Alphabetical List of Vestments.

(The Numbers refer to the Frontispiece, Plate I.)

Albe. A long white tunic of fine linen with tight sleeves; it is not open in front like a surplice, but girded round the loins. The collar and cuffs were often richly embroidered, and an oblong piece of embroidered silk or velvet was frequently sown upon its lower extremity in front under the *chasuble*. (1, 7, 10.) These ornaments were called *apparels*.

Almuce. A head covering or *caputium* worn by some canons, generally of fur. (3.)

Amess, or *amyt*, was of fine white linen. It covered the head and shoulders, was crossed over the breast, and fastened with two strings to the girdle. During the actual celebration of the mass, it was rolled back over the upper part of the chasuble (1, 10); but on the Percy tomb at Beverley, it covers the head. [x]

Annulus, the episcopal ring, one of which may be seen represented in the Archæologia, vol. xx.

Analabus, a sort of *scapulary*, (q. v.) worn by monks in the Greek church. (See Picart, Pl. op. vol. v. pp. 148 and 152, *n. q.*)

Baculus pastoralis, the bishop's pastoral staff, was usually formed like a shepherd's crook, and resembles in some respects the *lituus* carried by the heathen augurs (10). The crook was in many instances beautifully formed of gold and enriched with gems, having a *sudarium* or a banner falling from the point where it was joined to its staff, the lower part of which was supplied with a sharp-pointed ferule. A bishop carried his pastoral staff in the *left* hand, while a mitred abbot bore it in the *right*.

In an ancient Anglo-Saxon illumination, it is simply a staff headed with a ball or *mound;*[y] and a Greek bishop, represented in one of the engravings to Picart, carries a staff of this sort in his hand. That borne by the Patriarch of Constantinople, and by all the Russian bishops, is double-headed. (12.)

Odo, bishop of Bayeux (brother to William the Conqueror), is represented with a pastoral staff headed like a crutch. [z] (See here *cambucca* and *cross*.)

Baculus cantoris, already described p. 238, and see below *quecoué*.

Berrettino is used by Picart to signify the red hat worn by cardinals. (6.)

Bindæ, the *wimple*, passing over a nun's head and curiously folded under her chin. [a] It was of white linen.

Biretum, a cap worn by cardinals and other dignified ecclesiastics in the church of Rome, called in French from its usual square form, the *bonnet quarrée* (10). The cardinal's cap is red, the archbishop's or bishop's green or purple, and that of a canon regular black.

The Greek *pappas* (or priests) wear a circular cap (11): deacons

[x] Gent. Mag. March 1840.
[y] Archæol. vol. xxv. Compare Picart, v. 148.
[z] Antiquarian Repertory.
[a] Bonanni, Pl. 90.

and subdeacons in the Armenian church wear an embroidered cylindrical cap, and the priest a sort of crown surmounted by a cross.[b]

Birrus, was an article of general costume, very anciently adopted as an ecclesiastical vestment. It is described by Schurtzfleichius as a short cloak covering the shoulders and arms.[c] Possibly it may have been something like the *mozzetta*, Q. v.

Caligæ, the short boots over which the bishop's sandals were usually fastened.

Callotte, the scull-cap worn by the Pope and other dignified ecclesiastics. That worn by the Pope is white or red.

Cambucca, the *baculus pastoralis*, Q. v. Hence the bishop's chaplain was sometimes called '*cambuccarius*.'[d] (10.)

Caputium, or *capputium*, the hood or head-stall at the back of a cope, mantle, scapular, or mozzetta. Also the cowl or hood worn by monks over their heads, and resting upon their shoulders over the *frock*, Q. v. (2, 8.)

Cappa, *capa*, or *cope*, was a cloak of some rich material, having an ornamental border and a *caputium*. It had no sleeves, but was fastened across the breast with a *fibula*, *morsus*, or clasp. (8.)

The cope was in most instances a semicircle, with the circumference resting upon the shoulders; but sometimes it formed a complete circle, whence it was termed *rota* or *rotundellus* or *rondellus*.[e]

The *capæ clausæ* and *capæ cum manicis* belonged to the civil costume of the clergy, and were simply what are termed priest's cloaks and cloaks with sleeves. The *carracalla* was probably a sort of cope.

Casula, the *chasuble*, was the principal mass vestment. It was anciently circular, with a hole in the centre for the head to go through, and unless it was held up, entirely covered the arms and a great part of the body. Afterwards it was found convenient to have the chasuble stitched in artificial folds, so as to leave the arms at liberty. In more modern times it has been cut at the shoulders. (1, 7.)

Chimere belonged anciently rather to the civil than the ecclesiastical costume of a bishop. It is now a black satin dress with lawn sleeves attached to it, and is worn over the rochet; but before the Reformation it was of red silk.

Chirothecæ, the embroidered gloves worn as a part of the Episcopal costume. See the very beautiful effigy of John de Sheppey, bishop of Rochester, in the *Archæologia*, vol. xxv. p. 122.

Cidaris, the cap or bonnet worn by bishops in the twelfth century before the introduction of the mitre. It had *infulæ* or pendants at the back hanging over the shoulders. (4.)

Cingulum, the *girdle*, fastened round the albe at the loins, was usually of white flax tasselled at the ends, but sometimes of a richer material. (10.) See *Succingulum*.

[b] Picart, v. 260.
[c] Antiq. Eccl. p. 387.
[d] Du Cange in voce.
[e] Du Cange in vocibus.

Collare, a richly ornamented collar or tippet, which was sometimes placed over the upper part of the chasuble.

Bands, of the same form as those used in the church of England, are worn by the French, Russian, and even by the Jewish clergy. At what period they were first introduced I have never been able to learn.

Colobium, a secular dress adopted at a very early period as a church vestment. It was a short linen tunic *without sleeves*.

Cotta, a short surplice, either with or without sleeves. (9.)

Cross Staff, borne by Archbishops instead of the *pastoral staff*.(7.)

Cucullus, the same as *caputium*, Q.V. (2.)

Dalmatica, the deacon's vestment had anciently very full sleeves; it was cut at each side about half-way up to the arm; fringed; supplied with a sort of square *caputium*, adorned with tassels at the back, and had two strips of purple sown in the front. (5.)

In the more modern specimens there is a short *cut-sleeve* near the shoulder.[f]

Echarpe, a *scarf* worn by some canons regular; but it must not be confounded with the *stole*.

Encolpium, the golden cross worn by bishops and some other dignified ecclesiastics in the Church of Rome. It hung upon the breast. (10.)

Epimanicia, *maniples* worn in the Greek church. Picart tells us, that the patriarch is allowed to wear two of these maniples as a special mark of distinction; but he has not either described or engraved their form, nor have I been able to obtain the information elsewhere. Possibly, the *epimanicium* may be nothing more than the *half-sleeve*, which in some of the oriental churches is drawn over the sleeve of the albe.[g]

Epitrachelium, in the Greek church, is described by Picart as the *stole*, Q.V. (12.)

Fano, the *maniple*, Q.V. (1, 7.) It also signifies a thin variegated veil, fastened round the Pope's neck like a caputium, (Q. V.) when he celebrates a pontifical high mass, as a special addition to the ordinary mass vestments. It covers the upper part of his *chasuble* like a *mozzetta*, (Q. V.) and the *pall* is placed over it.[h]

Frock, a tunic of coarse cloth, with rather wide sleeves, long, full, and girded round the loins with a rope or a leather belt. (2.) The *frock* is the principal dress of a monk: sometimes the *caputium* or cowl forms a part of the frock itself, but perhaps they are more frequently distinct.

Gammadia, the σιχαρια of the oriental bishops, so called because they are embroidered with figures resembling the letter *gamma* (Γ).[i]

Gremiale is described by Du Cange, as a piece of silk placed upon the bishop's lap whenever he sat down during the intervals of high mass.

[f] Picart *passim*.
[g] Le Bas' Life of Bp. Middleton, i. 304, &c.
[h] Du Cange in voce. See also *Orale*.
[i] Gretser in Codinum.

Genuale, a diamond-shaped piece of cloth, ornamented with tassels, and having a cross embroidered upon it, hanging from the girdle of the officiating bishop or priest. It is a vestment of the Greek church. (12.)

Infulæ, the bands or pendants fringed at the ends, hanging from the back of a *cidaris* or *mitre*. (4, 8.)

Interula, or *camisia*, an *albe*, q. v. (1, 7, 10.)

Mandyas, a cloak or mantle worn by monks and bishops in the Greek church, in their civil costume.[j]

Maniple, *sudarium*. (1 and 7.) An oblong piece of embroidered silk, of the same colour as the chasuble of the day, folded double, passed over the left wrist, and hanging down like a minature stole. In Anglo-Saxon times it was held in the hand, and still more anciently it was a plain white napkin.

Mantellum, the long red *mantle* worn by a cardinal over his *rochette*. (6.) Mantles of different forms were also worn by the members of several of the religious orders in the church of Rome. The *mantellettum* was a short mantle with arm-holes, reaching as low as the knees and open in front.[k]

Maphorium, a long narrow scapular, square at the bottom. See *Scapular*.

Mitra, the *mitre* (8.) does not appear to have been introduced into this country till after the Conquest, and has never been adopted by the Greek church.[l] The Russian and Armenian bishops wear indeed a sort of regal crown or diadem, but the patriarch of Constantinople, and the bishops immediately under his jurisdiction, celebrate divine service with their heads uncovered, while on other occasions they wear (as a part of their civil costume) a sort of loose drapery falling over the head, covering part of the forehead, resting on the shoulders, and having a cross embroidered upon it in front. It is something like an almuce, except in its material, which is of linen, cloth, or silk. (8.)

Du Cange mentions three varieties of the mitre:

1. The *pretiosa*, composed of gold or silver, and jewels.
2. The *aurifrigiata*, of silk embroidered with gold thread and pearls.
3. The *simplex*, of plain white damask or linen, with red silk infulæ or pendants hanging from it.

Morsus. The brooch or clasp which fastened the cope. (8.)

Mozzetta. A sort of tippet, cape, or pelerine worn by dignified ecclesiastics. (3.) It sometimes had a hood at the upper part.

Omophorium, the pall worn by patriarchs, archbishops, and bishops in the Greek church. (12.) See *Pallium*.

Orarium, the stole used in the Greek church. (12.) See *Stola*.

Pallium. The *pall* worn by archbishops in the church of Rome,

[j] Picart, v. 148, 300. [k] Bonanni, pars ii. pl. 45, 48, 53; item pars i. pl. 31.
[l] See Hist. of Durham by Surtees, the plate of Episcopal seals. Also the Anglo-Saxon form of consecrating a church, Archæol. vol. xxv. Item Du Cange, voce *Mitra*, et Supplem.

being a narrow vestment of white wool with purple crosses worked upon it, encompassing the shoulders over the chasuble, and hanging down in front. (7.) In the Greek and Russian churches it is worn also by bishops. (12.) See *Omophorium*.

The *pallium* also signifies a mantle or cloak worn by some canons regular.

Peristera in the Greek church.[m] A white woollen fillet thrown over the head or cap, and resting upon the shoulders. Delinquent priests are suspended from the use of it.

Phelonium, the chasuble of the Greek church. It is apparently shorter in front and squarer behind than that of the Latin church. That worn by the patriarch and other bishops is wrought all over with small crosses, whence it is termed *polistaurium*. (11, 12.)

Phrygium, or *tiara*, a pointed cap worn by some bishops before the introduction of the mitre. The *phrygium* (with the addition of three crowns) is still worn by the Pope. (7.) See *Regnum*.

Planeta, the *chasuble*, Q. v. (1, 7.)

Pluviale, the cope, Q. v. (8.)

Pola, in the Greek church, a diamond shaped piece of embroidered cloth attached to the back of the *phelonium* or *chasuble*. (11.)

Quecoue, a thin oval or circular piece of metal, surrounded by small bells, and fitted upon a long handle. It is borne by deacons among the Armenians, and used to regulate the psalmody like a *cantoral staff*.

Rationale, an ornament anciently worn by bishops, but which has been so long obsolete, that Ritualists know nothing as to its form. We only know that it was worn upon the breast in imitation of the breastplate of the Aaronic priesthood, and like it *may* have been square. In the inventory of Saltzburg cathedral, mention is made of a *rational* of gold and gems, hanging by golden chains, and worth 1000 marks.

The word is sometimes used *improperly* to signify an archbishop's pall.

On a tomb of one of the bishops, in Britton's Salisbury cathedral, there is a singular breast ornament, something like that in our fourth figure, which may have been a *rationale*.

Regnum, the triple crown or *tiara* worn by the supreme Pontiff. (7.) The crowns having been gradually added to the phrygium or pointed cap. Patriarchs and bishops in the Russian and Armenian churches wear a sort of diadem. The Armenian priests also wear something of the sort.

Roccus, the monastic *frock*. Q. v. (2.)

Rochetta, worn by cardinals, archbishops, bishops, &c., and some canons regular, was a tunic of fine linen or lace, falling a little below the knees, having sometimes tight sleeves, sometimes none. (3, 6.)

Rondellus, or *rota*, a circular cope. See *cappa*.[o]

[m] Picart, v. 148.
[n] Du Cange, Rationale.
[o] Aliter *Rotundellus*, Du Cange in vocibus.

Saccus, in the Greek church, worn only by the highest dignitaries on very solemn occasions, appears to have resembled the dalmatica in the Latin church. (5.) I know it only from description, but imagine it to be the long wide-sleeved vestment represented in the *Saturday Magazine*, July 1, 1837.

Sagavard among the Armenians is a sort of crown, surmounted by a cross worn by bishops and priests. Of what material it is composed, and whether or no the name equally applies to the caps or bonnets worn by their deacons and subdeacons, I have no means of ascertaining.[p]

Sandalia, the sandals, a part of the episcopal costume. An excellent representation may be seen in the *Archæologia*, vol. xxv. p. 122, &c.

Scapulare, a monastic dress, having an aperture for the head and neck to pass through, falling down before and behind, but leaving both arms at liberty. Monks used to work in their *scapulars*. Those worn by canons regular in the church of Rome, present a great variety of appearance. Some fall to the very ground, while others barely extend to the girdle; some are as wide as an apron, others mere strips not wider than a stole. They have generally a square termination, but some of them are formed like a tongue. (2, 3.)

Soutan, *sottana*, a long black cassock worn under the cotta or rochette. (3, 9.)

Sticharium in the Greek church may be ranked with the same class of vestments as the albe, but is not always white. It is sometimes purple. (11, 12.) See *Albe* and *Gammadia*.

Stola, *orarium*, the *stole*. A long narrow vestment often richly embroidered. It was placed over the shoulders and crossed upon the breast, so that the ends were seen under the front of the chasuble (1.): when used in other ministrations (as in the pulpit or confessional), it was allowed to hang down like the scarf worn in the church of England, to which it may be considered analogous. (7, 10, 12.)

Subtile, the subdeacon's vestment, otherwise called the *tunicle*. It resembled the *dalmatica*, (5.) but had tighter sleeves.[q]

Succingulum, the surcingle, an ornamental addition to a bishop's girdle. It was double, resembled a maniple, (7.) and hung down upon the left side. See in the supplement to Du Cange's Glossary, voce *Subcinctorium*.

Superpelliceum, the surplice: this requires no explanation.

Tunicella, the *subtile*, q. v.

Velum Subdiaconale, the long veil which the subdeacon bore over his shoulder.[r]

Velum, the veil placed upon the nun's head at the time of her dedication. Bonanni, Part II. Plates 10, 16, 42, &c.

Zona, a narrow scarf worn by some canons.[s]

[p] Picart, v. 260.
[q] Gavanti, p. 321.
[r] Supra, p. 233.
[s] Bonanni.

§ 8. *The Devotions of the Church of Rome, Ceremonies, &c.*

Before the Reformation, Divine service was *acted* as it were, in a language which the very priest understood but imperfectly, and the laity not at all.[t] The devotions of the people were then guided by the elaborate gesticulations of the priest, each of which was supposed to involve some deep mysterious truth shrouded under the veil of allegory: but manuals of devotion in the vernacular tongue, which are now common in Roman Catholic states, and compensate in some degree for the obscurity of a Latin service, were then almost unknown. A book was an expensive luxury far beyond the reach of the poor,[u] and few even of the wealthy were able to read.

Christianity was then *overlaid* with splendid incumbrances, more numerous and more burthensome than those which had been enjoined under the bondage of the ceremonial law, or practised in the palmiest days of heathen idolatry: in proof of which, I need only remind the reader of the costly *machinery* anciently considered essential to the ordinary decencies of religion; viz. the furniture, books, and vestments which it has been lately my province to describe.

The private devotions of the unlettered multitude, consisted in a frequent repetition of the "*Ave Maria*," a recital of the "*Pater Noster*" at every tenth bead, and of the "*Credo*" at the crucifix appended to the rosary.[w]

The *angelic salutation* itself was an interpolated version of the angel Gabriel's address to the blessed Virgin, as recorded in S. Luke's Gospel, chap. i.

"Hail, Mary, full of grace, the Lord is with thee. Blessed art thou among women, and blessed is the fruit of thy womb, Jesus. Holy Mary, Mother of God, pray for us sinners now and in the hour of our death. Amen."[x]

The smaller beads were in tens, with one of a larger size, termed a *gaud* or *decade*, between each set; and these *decades* were usually of a richer material, or a more elaborate workmanship, than the rest.

In the *Rosary*, properly so called, there were five of these decades. The "*Ave Maria*" was said fifty times, the "*Pater Noster*" five times, and the "*Credo*" once.

In the *Corona* were six decades and sixty-three *Ave Marias*.

In the *Psalter*, fifteen decades, and one hundred and fifty *Ave Marias*.

In the *Psalteriolum* were three *gauds* and fifteen *Ave Marias*, the Lord's Prayer being recited after every fifth bead; and

In the *Corolla* were three *gauds* and twelve *Ave Marias*.[y]

The *Bead-roll* was at the best a wretched mechanical substitute for the devotions of the understanding and the heart: and as these prayers were in most instances recited even by the laity in the

[t] See above, pp 82, 85.
[u] See above, p. 68, &c.
[w] Cœleste Palmetum, Coloniæ Agrip. 1750, p. 262.
[x] Ibid, p. 1.
[y] Ibid. p. 262, &c.

Latin tongue, it may easily be imagined how little they must have tended to edification.

These were indeed sad corruptions of a pure and spiritual religion, the real dignity of which was lost sight of amidst all this pomp and ceremony and meretricious display: but the homage anciently rendered to the blessed Virgin and the saints, to their images and reliques, was a still more grievous error.

With every disposition to palliate the errors of my forefathers, I yet (as a greater lover of truth) feel it impossible to withhold the conviction, that these invocations of the saints approached to the very verge of idolatry.

The *facts* upon which this conviction is founded shall be fairly laid before the reader, that he may judge for himself: but he must allow me, in the first place, to say a few words respecting a very plausible objection urged by Dissenters against our Church. It has been contended that these corruptions of Christianity (and especially that greatest of all corruptions, *idolatry*) must have vitiated the apostolic succession, passing down to us through this impure channel; but our blessed Lord himself distinctly recognized the *succession* of the Levitical priesthood in his own times,[z] notwithstanding the grievous apostacy of the whole Jewish church in the days of the prophet Elijah, when both the priesthood and the people were almost universally polluted with idolatry in the very worst sense of the term. And indeed Aaron himself, from whom the succession was derived, had been guilty of the same dreadful crime against God.[a]

Controversialists of the Church of Rome, when charged with idolatry, shelter themselves under a scholastic nicety, telling us that there are three various degrees of worship,[b] viz.

(1.) ΛΑΤΡΕΙΑ (*latria*), exclusively appropriated to the Deity; to each person of the blessed Trinity, or their images; to the crucifix, and the host.

(2.) ΥΠΕΡΔΟΥΛΕΙΑ (*hyperdulia*), being the homage paid to the blessed Virgin, or her image and reliques.

(3.) ΔΟΥΛΕΙΑ (*dulia*), the homage paid to saints and angels, their images and reliques.

These *theoretical* distinctions are however notoriously violated in *practice*, and must have been at all times above the comprehension of the unlearned, and the control of the enthusiastic worshipper.

Addressed as she is by millions at one and the same moment, and in all parts of the Roman Catholic world, though they should only request the blessed Virgin *to pray in their behalf*, they would still virtually invest her with the incommunicable attributes of God. But to pass over this simplest and least objectionable form of invocation, it has been confessed by a learned Roman Catholic,[c] that saving and excepting the sacrifice of the mass, there is not a single

[z] Matt. xxiii. 2.
[a] Exod. xxxii. 4.
[b] Bellarmini Controv. de Cultu Sanctorum.
[c] Turlot.

act of homage peculiarly and exclusively belonging to the Almighty; and that otherwise the intention of the worshipper is the only criterion between LATRIA and DULIA.

Turlot's words are very express upon this point, and having already given their sense in English, I shall now, for the reader's more complete satisfaction, recite them as they stand in the original. "Omnia signa externa honoris *præter sacrificium* communia sunt Deo et creaturis, sed ex intentione utentis determinantur ad excellentiam divinam seu creatam significandam."[d]

But even this distinction is altogether nugatory. Oblations are continually vowed to the saints and presented at their shrines; incense, which is of the nature of a sacrifice,[e] is employed to do them honor: and although they do not actually offer up the Son of God in sacrifice *to* his creatures, they yet present the host to the Father for the *glory of* the saints, *and commend it to His acceptance through their merits and intercession!*—I need hardly add, that they look upon the mass as a continuation of the great atoning sacrifice offered up on mount Calvary for the sins of the whole world.

As the charge which I have made is a very grave one, it will be but fair to cite the words of the Roman Missal, &c., instead of filtering them through a translation; and I shall invariably quote from the originals.

"Sacrificium nostrum tibi Domine quæsumus B. Andreæ Apostoli præcatio sancta conciliet, ut *in cujus honore solemniter exhibetur, ejus meritis efficiatur acceptum.*"[f]

"Ut hæc munera tibi Domine accepta sint, *sancti Bathilidis obtineant merita*, quæ seipsam tibi hostiam vivam, sanctam, et beneplacitam exhibuit."[g]

"Præstant nobis quæsumus *sumpta sacramenta* præsidium salutare, et intervenientibus B. Martini confessoris tui atque pontificis *meritis*, ab omnibus nos absolvant peccatis."[h]

"Deus qui beatum Nicolaum Pontificem innumeris decorasti miraculis, tribue quæsumus, *ut ejus meritis et precibus, a Gehennæ incendio liberemur.*"[i]

"Ecclesiæ tuæ quæsumus Domine preces *et Hostias* B. Petri apostoli commendet oratio, *ut quod pro illius gloriâ celebramus*, nobis prosit ad veniam."[j]

THE PREROGATIVES OF CHRIST ARE ASCRIBED TO THE SAINTS.

In the vulgate translation of Gen. iii. 15, ("*Ipsa* conteret caput tuum,") the bruising of the serpent's head is expressly ascribed to the blessed Virgin; and S. Bernard in his homilies thus reasons upon it.[k]

[d] Thesaurus, Pars iii. Lect. 19, Coloniæ Agrip. 1723, p. 512.
[e] Exod. xxx, 8, 9; xl. 5; Numbers xvi. 35; Isai. lxv. 3; Jer. xi. 12.
[f] Missale Trid. Lugd. 1682, Fest. Novemb. fol. 336.
[g] Ibid. Jan. 26.
[h] Missale in usum Sarum. Fest. Novemb.
[i] Missale Trident. fol. 339.
[j] Ibid. in Fest. Cathedræ S. Petri, fol 353.
[k] Bernardi Homil. in Apoc. xii. fol. 79. h. Paris. 1517.

"Vehementer quidem nobis, delectissimi, vir unus et mulier una nocuêre, sed gratias Deo, per unum nihilominus virum *et mulierem unam* omnia restaurantur.....Et quidem sufficere poterat Christus, siquidem et nunc, omnis sufficientia nostra ex eo est, sed nobis 'bonum non erat esse hominem solum'; *congruum magis ut adesset nostræ reparationi sexus uterque* quorum corruptioni neuter defuisset." The rest of the homily contains passages equally objectionable.

"Hæc est præclarum vas Paracleti, Spiritûs Sancti. Hæc est gloriosa civitas Dei. *Hæc est mulier virtutis quæ contrivit caput serpentis.*"[l]

On the anniversary of S. Thomas-à-Becket, the following hymn was sung:[m]

"Tu per Thomæ sanguinem, quem pro te impendit,
Fac nos Christe scandere quo Thomas ascendit."

Thus our ancestors were actually taught to pray for SALVATION THROUGH THE BLOOD OF THE PSEUDO-MARTYR THOMAS-A-BECKET!

Le Brun, a learned Roman Catholic, wrote a long dissertation upon the following blasphemous words, inscribed over the gate of the Franciscan convent at Rheims.[n]

DEO·HOMINI·ET·BEATO·FRANCISCO·UTRIQUE·CRUCIFIXO.

To the God-man and the blessed Francis *both of them crucified.*

I shall now translate a portion of Le Brun's sixth chapter.

"A century ago, Father Barthelimi, of Pisa, discovered twelve points of conformity between S. Francis and Jesus Christ;.....in order to show that S. Francis performed actions as remarkable as those of Jesus Christ.....He has there stated, that S. Francis was patriarch, prophet, apostle, martyr, doctor, confessor, virgin, angel, and (in a word) more conformable to Jesus Christ than all the other saints. But he has exaggerated his praises still more, inasmuch as he declares in formal terms, *that S. Francis was Jesus of Nazareth the king of the Jews!*—'JESUS,' from the conformity of his life with that of Jesus; 'OF NAZARETH,' because he was a pure virgin; 'KING,' from the absolute control which he exercised over himself;—'OF THE JEWS' because being full of cheerfulness he besought all creatures to praise the Lord. And to crown his impertinences, in comparing the celebrated actions of S. Francis with those of Jesus Christ, *he has had the temerity to assure us, that S. Francis excelled him.* 'Christ (he observes) was only transfigured once, whereas S. Francis was transfigured twenty times; Christ only changed water into wine once, but S. Francis did so three times; Christ only felt the pain of his wounds for a little time, but S. Francis felt his during the space of two whole years: and with respect to miracles, such as giving sight to the blind, casting out devils, and raising the dead, Christ did nothing in comparison with what S. Francis and his brethren

[l] Cœleste Palmetum, Colon. 1750, p. 552.
[m] Brev. in usum Eccl. Sarum.
[n] Supplement a l' Histoire des Pratiques Superstitieuses a Paris, 1751, p. 122.

have done.' Such (proceeds Le Brun) *is the ordinary style of the Cordeliers,* when they are speaking about their seraphic patriarch."

I pass over many blasphemous comparisons between the Virgin Mother and her Son, between her milk and his precious blood, in such passages as the following—

"Lac fluit et sanguis, sanguis conjungitur et lac,
Et fit fons vitæ, fons et origo boni."

I omit other passages in which a decided *preference* is given to the former over the latter, inasmuch as the mother can by her natural authority *command* her son; and others in which it is said, that "more souls are saved by the name of *Mary* than by that of *Jesus.*"[o] These are the extravagances of private devotees, for which the Church may be only responsible as a negligent guardian over her children. *The evidence upon which I rest my case, is directly stamped with her authority;* the books quoted were published under the immediate sanction of the archbishops, bishops, and inquisitors of the province, and the passages have been invariably collated by myself.

The '*Psalterium Mariæ,*' the work of cardinal Bonaventure, a regularly canonised saint of the Church of Rome, was never included in any *Index Expurgatorius.* It appears in the Vatican edition *among the genuine works of the cardinal,* and not in the appendix, in which spurious or doubtful treatises are collected. "The bull of Pope Sixtus the Fifth, prefixed to the first volume, has moreover stamped the psalter of the blessed Virgin with the highest approbation, and it passed through *twenty-eight editions* between 1476 and 1823,"[p] printed with the *imprimatur* of the various papal inquisitors, and circulated without restriction in places where the Bible would have been a sealed and proscribed book!

The edition from which I quote is that of "H. de Matnes, Parisiis, 1596," and the few extracts which I shall venture to lay before the reader may be considered as a fair and impartial specimen. They were not diligently culled here and there. I only read the psalms appropriated to the first day; the sample was chosen quite at random, and fidelity was my only care.

Psalmus 1. Beatus vir qui diligit nomen tuum Virgo Maria, Gratia tua animam illius confortabit. Tanquam lignum aquarum fontibus irrigatum uberrimos justitiæ fructus propagabit.....Misericordia et gratia tua ubique prædicatur: Deus operibus manuum tuarum benedixit.

Psalm. 2. Protegat nos dextera tua Mater Dei, ut acies terribilis confundens ac destruens eos. Venite ad eam omnes qui laboratis et tribulati estis et refrigerium dabit animabus vestris. Accedite ad eam in tentationibus vestris, et stabiliet vos serenitas vultûs illius. Benedicite illam in toto corde vestro, misericordiâ enim illius plena est omnis terra.

[o] Misson's Voyage to Italy, Lond. 1699, vol. i. p. 119.
[p] Horne's Mariolatry, p. 15, 2nd. edit. Lond. 1841.

Psalm. 3. Domina quid multiplicati sunt qui tribulant me,—dissolve colligationes impietatis nostræ: tolle fasciculos peccatorum nostrorum. Miserere mei Domina, et sana infirmitatem meam, tolle dolorem et angustiam cordis mei.

Psalm. 4. Cum invocarem exaudisti me Virgo Sacrata, et de sublimi solio tuo mei dignata es recordari. A rugentibus præparatis ad escam, et de manibus quærentium liberatus sum gratiâ tuâ. Quoniam benigna est misericordia et pietas tua in omnes qui invocant nomen sanctum tuum. Glorificate eam gentes in virtute vestrâ, et cuncti populi terræ extollite magnificentiam ejus.

Psalm. 5. Converte luctum nostrum in gaudium. Benedicat te omnis lingua, et nomen sanctum tuum confiteatur omnis caro. Gloria tibi sit, o virgo virginum, duc nos obsecramus ad regna cœlorum.

Many additional extracts from "*Our Lady's Psalter*" may be seen in the Rev. T. H. Horne's admirable little work on "*Mariolatry.*" There also the reader will find specimens of the hymn of Zacharias, (Luke i.) the *Te Deum*, and the *Athanasian Creed*, all of which were parodied and applied to the blessed Virgin Mary.

In the '*Biblia Mariæ*' (of which I shall now give a few specimens, from a copy in the library of Trinity College, Dublin,) a considerable portion of the sacred volume is thus shamefully abused. It was compiled by Albert the Great, bishop of Ratisbon, who flourished about the year 1265.

Biblia Mariæ, opus a B. Alberto olim Episcopo Ratisponensi conscriptum, in quo omnia fere quæ in sacris Bibliis continentur, Beatissimæ Dei parenti Mariæ pulchrè et breviter adaptantur: aureum sanè, et Divini verbi concionatoribus perutile, ac Marianis cultoribus pergratum. Nunc primùm in lucem edita, operâ et studio R. P. F. Vincentii Justiniani, S. Theologiæ Professoris, Coloniæ Agrip. Anno 1625. Biblioth. T. C. D. BB. N. 42.

Genesis sic incipit, "*In principio creavit Deus cœlum et terram.*" Cœlum scilicet Empyreum, per quod intelligitur Domina mundi Virgo Maria....."*Dixitque Deus: Fiat Lux,*" id est Maria generetur et nascatur. — Gen. ii. p. 82. "*Adæ vero non inveniebatur adjutor similis ei—Dixit ergo Dominus Deus, Non est bonum esse hominem solum,*"...id est Christum. "*Faciamus ei adjutorium simile sibi,*" id est Mariam. Ipsa etiam est contus contritionis Diaboli. Gen. iii. "*Inimicitias ponam inter te et mulierem*: ipsa *conteret caput tuum,*" Glosa. quod est Mors. Ipsa est etiam Mater Vitæ. Gen. vi. Ipsa etiam est Arca Salvationis; "*Fac tibi Arcam,*" id est Mariam: quod respicit ejus Nativitatem.

Evangelium secundum Joannem, cap. i. "*In principio erat Verbum,*" &c. Beatissima Domina secundum Evangelium Joannis dicitur Mater restitutionis omnium. *Joan* i., dicitur de ejus filio —"*Omnia per ipsum facta sunt,*"—sic dicitur de ipsâ: omnia per ipsam *refacta* sunt, ut dicit Anselmus. Item, Ipsa est Lux nostra, quæ post Deum: "*illuminat omnem hominem venientem in hunc*

mundum." ITEM, Ipsa est promptuarium plenitudinis unde omnes stipendiantur: "*De plenitudine ejus nos omnes accepimus,*" scil. post Deum, "*Gratiam pro Gratiâ.*" ITEM, Ipsa est generale Baptisma peccatorum: "*Erat Joannes Baptizans.* Hujus Baptismi formam, spiritualiter Ipsa in nobis Baptizando conservat; *Baptizat* enim, id est mundat peccatores: *in nomine Patris,* per potentiam: *In nomine Filii,* per sapientiam; *In nomine Spiritus Sancti,* per bonitatem et clementiam. JOAN. cap. iv. Item, Ipsa est "*Fons Jacob*" propter plurima;—*Primo* quod sitientes aquis Gratiæ refocillat. *Secundo* quia (ad) peccata videnda illuminat. *Tertio* quia a peccato liberat. Unde "*reliquit hydriam suam mulier,*" hydriam scil. cupiditatis, voluptatis, et vanitatis."

In the works to which I shall refer in the note,[q] the blessed Virgin is termed—"the mother of God, the queen of heaven,—our lady,—our mediatress,—and our advocate;—the fountain of mercy,—the gate of heaven,—the salvation of the weak; at whose *command* the gates of heaven are opened,[r] and at whose *name* every knee shall bow, of things in heaven and things in earth, and things under the earth:—for this name refreshes the weary, heals the languid, illuminates the blind, softens the hardened, anoints us for the contest, and removes the yoke of the devil."[s] "If *thou* dost not *illuminate* me (the devotee exclaims to her), whither, oh, whither shall I go? ...Justly do the eyes of all creatures look upon thee.....Thou art our lady, we are thy servants; thou art our queen, we are thy subjects. *Thou art the hope of the whole earth!*... ... Govern, teach, guide, and defend me in all things according to thy will, *for to thee I flee as to my only refuge!* Reject me not, O mother of mercy, for without thee my soul cannot live.[t].....To *thee* therefore, both now, and always, and in the hour of my death I commend my soul and my body, all my hope and all my consolation."[u] Moreover, it is believed by many, that she was never polluted with either original or actual sin, even of a venial kind,[v] whence it must necessarily follow that she stood not in need of a Saviour.

She is moreover called, "the most glorious mother,—the consolation of the desolate,—the way of those who wander,—the health of all who put their trust in her,—the fountain of mercy,—the fountain of grace, the fountain of piety,—a city of refuge,—the refuge of sinners,—the help of Christians,—the *cause* of our happiness,—and the *only* hope of sinners." ("Spes *unica* peccatorum.")[w]

THE GLORY OF GOD GIVEN TO ANOTHER.

Let us, for brevity's sake, confine our views to the idolatrous homage rendered to the blessed Virgin. Churches are *invariably* dedicated

[q] Turloti Thesaurus, Col. Agrip. 1723, *passim.* Item Cœleste Palmetum, Col. Agrip. 1750, *passim.*
[r] "Ad nutum tuum portæ cœli apperiuntur."
[s] Turlot, p. 404.
[t] Cœleste Palmetum, p. 258, &c.
[u] Ibid, p. 261.
[v] Turlot, p. 238.
[w] Cœleste Palmetum, p. 250, &c. Turlot, p. 428.

"in honorem Dei et gloriosæ Virginis Mariæ;"[x] and the colophons so frequently adopted by Roman Catholic authors, "Ad Majorem Dei, ejusque sanctissimæ Matris gloriam," or "Laus Deo, Virginique Mariæ, Jesu item Christo,"[y] exhibit to us an equally offensive association.

Both in the mass and at the sacrament of penance there is a confession of sin "Deo omnipotenti, Beatæ Mariæ semper virgini, &c."[z] And in the *Officium B. Mariæ*, the absolution and benediction are couched as follows,[a] "Precibus *et meritis* B. Mariæ semper virginis, et omnium sanctorum, perducat nos Dominus ad regna cœlorum"—"Nos cum prole pia, benedicat Virgo Maria."

The Virgin Mary is addressed in the same humble posture as the Almighty, and with expressions of devotion which it would be impossible to exceed: *ex. gr.* "Ad te faciem meam levo, cœli regina; ad te oculi cordis mei suspiciunt, in te confidit anima mea."[b] "Eia! anima mea, prosterne te ad pedes matris tuæ Mariæ, nec ante recede quam illa tibi benedixerit."[c] "O beata Maria, quis tibi digne valeat jura gratiarum et laudum præconia impendere, quæ singulari tuo assensu mundo succuvisti perdito. Quas tibi laudes fragilitas generis humani persolvat! Accipe igitur quascunque exules, quascunque meritis tuis impares gratiarum actiones, et cùm susceperis vota culpas nostras orando excusa."[d] "Accipe quod offerimus, redona quod rogamus, excusa quod timemus, quia tu es spes *unica* peccatorum. Per te speramus veniam delictorum, et in te, beatissima, nostrorum est expectatio præmiorum."[e]

According to the doctrine of the council of Trent, *mental* prayer may be offered up to the blessed Virgin, &c., and to her is ascribed the faculty of reading the heart.[f]

Those who use the rosary, address her *ten times* for every prayer that they offer up to God. The devout Roman Catholic worshipper kneels before her three times every day.[g] The laity frequently recite seven canonical hours in honour of the *mother of God*, as a priest recites his breviary; and over and above her five annual festivals, every Saturday in the year (once, God's own day of rest) is solemnly dedicated to her service.[h]

To her, *praise* and *glory* are ascribed. It is considered lawful to swear by her name, and it is deemed a fearful blasphemy to take that name in vain.[i]

The monk devotes himself to God, to the blessed Virgin, and all the saints, at the time of his profession; and as the first martyr Stephen commended his spirit into the hands of the Lord Jesus, the

[x] Pontificale Romanum, Romæ, 1595, fol. 379.
[y] Bellarmini Controv. in Calce.; Turlot in Calce.
[z] Missale Romanum Trident.
[a] Cœleste Palmetum, p. 8.
[b] Cœleste Palmetum, p. 257.
[c] Ibid. p. 261.
[d] Ibid. p. 253.
[e] Ibid. p. 254.
[f] Concil. Trid. Sess. xxv.; Cœleste Palmetum, p. 255.
[g] Turlot, p. 422.
[h] Ibid. p 437.
[i] Ibid. pp. 404, 418, 525, 528. Compare Deut. vi. 13, x. 20. Exod. xx. 7.

dying Roman Catholic commends his spirit into the hands of the blessed Virgin, ("Et quotidie et in horâ exitus mei animam meam et corpus meum tibi commendo, omnem spem meam et consolationem meam").[j]

She has been called "*omnipotens* virgo,"[k] but nothing is more common than the expression "*diva* virgo;"[l] the very term used by the Romans to designate their false gods. Thus Virgil says—

"Discite justitiam moniti et non temnere *Divos*;"

and Horace terms Venus—

"*Diva* potens Cypri."

Indeed Bellarmine[m] has declared that worship is rendered to the saints, "quatenus sunt *Dii* per participationem:" and cardinal Damian thus *identifies* the blessed Virgin with the Creator, "In a fourth manner God exists in one creature, viz. the Virgin Mary, *because He is the same as she is*."[n]

THE PRINCIPAL CEREMONIES THROUGHOUT THE YEAR.

Christmas Day, three masses said, the first at midnight.

Purification of the blessed Virgin Mary, wax candles are blessed and distributed to the people,[o] whence the term *Candlemas*.

Shrove Tuesday. The laity confessed their sins, and were absolved or *shriven*.

Ash Wednesday. The priest crosses the foreheads of the people with ashes[p] made from the palms blessed the preceding year, using the words "Remember, O man! that dust thou art, and unto dust shalt thou return."

Fourth Sunday in Lent, called from the introit of the mass '*Dominica Lætare Hierusalem*," the Pope blesses a golden rose, and carries it in his hand as he goes and returns from mass. It is afterwards presented, as a mark of special favour, to some king or illustrious person.[q]

Note. The first of the seven *scrutinies*, i. e. the examination of the catechumens in the rudiments of the faith preparatory to baptism, took place on the Wednesday following the fourth Sunday in Lent, and the seventh and last on Easter eve.

Sabbatum vacans, the Saturday before Palm Sunday, when the Pope publicly gives alms to the poor and washes their feet.

Palm Sunday. Palms were blessed and distributed to the people, and they walked in solemn procession to the cross in the churchyard, decorated in honour of the occasion.[r] Sometimes there was an effigy of the Saviour riding upon an ass; or the priest in full pontificals rode upon an ass, bearing in his hands the pyx with the sacred host. At Rome there is a sermon preached on this day by a child, in allusion to Matt. xxi. 16.

j Cœleste Palmetum, p. 261.
k By Albert the Great. See Mariol. p. 34.
l Turlot, p. 425.
m Bellarm. de Cultu SS. lib. iii. c. 9, Controv. tom. ii. p. 473, E.
n Serm. 4, in Nativ. B. M. V.
o Picart, ii. 8.
p Ibid. p. 13.
q See above, p. 57.
r Picart, ii. 16.

Maundy Thursday. At nocturns or matins recited between the Wednesday night and Thursday morning, the yellow wax candles are extinguished upon the *hearse,* one after another,[s] and the white wax taper which represents the Saviour, still lighted, is concealed behind the altar, so as to leave the church in total darkness. This service was called the "*tenebræ,*"[t] and is fully described by Durandus (lib. vi. c. 72.) The number of candles varied very much in different places; sometimes there were seventy-two, sometimes twenty-four, sometimes fifteen, sometimes twelve, sometimes nine, and sometimes seven. The *miserere* was then recited in darkness and prostrate.

On this day penitents were received into the church, the holy oils were solemnly blessed by the bishop, and the feet of thirteen poor men were publicly washed by each prelate.[u] This was termed '*mandatum,*' and in French '*mandée,*' whence the term *Maundy* Thursday, (erroneously derived from *mande,* the Saxon word for a basket).

"It may be asked (says Durandus) why penitents are introduced into the church on this day. I reply, that on the fifth day God created the fishes and the birds.....By the fishes, we are to understand covetous, avaricious, and luxurious persons, thoroughly immersed in the (sinful) pleasures of this world in which they delight. Birds (on the other hand) are the spiritually minded, who are exalted by their spiritual conversation, as (birds are exalted) in the air. Penitents are therefore admitted into the church upon the fifth day, and being, as it were, separated from the wicked, and from the pleasures of this world, have their conversation in heaven."[v]

Good Friday. The passion of our Lord, as related by the Evangelists, was read to the people, generally from the rood-loft. The *missa præsanctificatorum* was celebrated with hosts consecrated the day before. The crucifix was unveiled and worshipped,[w] and the pyx with the host deposited in the holy Sepulchre.

Easter Eve. The paschal candle is consecrated by a subdeacon, and all the candles in the church having been extinguished, *the new fire* is lighted with a flint and steel.[x] The baptismal font is solemnly blessed, and the catechumens are baptised. There is no introit, offertory, or post-communion on this day.

At Rome, on this day, the Pope blesses and distributes to the people effigies of the *Agnus Dei,* stamped upon wax,[y] and anointed with the chrism. They are made out of the paschal candle of the preceding year.

Easter Day. The paschal candle is lighted. The host is brought in solemn procession from the sepulchre to the altar, and high mass is performed.[z] Eggs are blessed and distributed.

[s] Vide supra, p. 241.
[t] Picart, ii. 8.
[u] Ibid. p. 20, and 82.
[v] Lib. vi. c. 73, N. 4.
[w] Picart, ii. 8, 20.
[x] Ibid. p. 8.
[y] Ibid. vol. i. 384.
[z] Ibid. p. 334.

Easter-week. On each of the seven days after Easter, there is a solemn procession to the font; and in some churches a lighted taper, curiously twisted into the form of a serpent and fixed upon a staff, was carried in the procession.

The Rogation procession took place on the three days before Ascension day. The clergy and the people, preceded by a processional cross and banners, chanted the liturgy. Portable reliquaries and *camarines* were carried in this procession.

Ascension Day, Corpus Christi Day,[a] and several other festivals had also their processions, but these were not distinguished by any peculiar features.

In describing these ceremonies, I have chiefly derived my information from Durandus, and in the notes the reader is referred to the *plates* in Picart's '*Religious Ceremonies,*' fol. London, 1733.

MYSTERIES AND MIRACLE PLAYS.

Mysteries and *moralities* were sometimes performed by trade *guilds,* on temporary stages erected in the public streets; but sometimes they were enacted by the very clergy, in the sacred building, the hallowed vestments of the mass being used as theatrical properties,[b] and the most awful mysteries of religion forming their subjects.

These are deserving of notice as the real origin of our modern drama, but they are here referred to, as being strikingly characteristic of the state of religion in the middle ages.

Their subjects were either scriptural or legendary, sacred history, or the lives and miracles of the saints; and the apocryphal gospels of the Infancy, of Nicodemus, &c., appear to have been especial favourites.

Strange as it may seem, the ancient MS. rituals of cathedral churches frequently contain rubrical directions connected with these performances, and in England (independently of single plays still existing in MS.) there are three remarkable *collections* of these mysteries, viz. the Townley, Chester, and Coventry.

From the narrow limits of my work, I can only be expected to give a few very brief descriptions, chiefly selected from Du Cange's glossary; but in Sharpe's "*Dissertation,*" Hone's "*Ancient Mysteries,*" and other similar works, by Collier, &c., the reader will find copious extracts. Mr. Halliwell has lately published "The Harrowing of Hell" in a cheap form. See also the *Gentleman's Magazine* for April 1746, p. 198, &c.

The Boy Bishop. Every year, on S. Nicholas' day (December 6), the singing boys of a cathedral church elected one of their number to be their bishop. He was vested in a rich cope, with a mitre, and the other insignia of a real bishop. There was a choral service provided for the occasion, in which his youthful chaplains officiated as priests, and in conclusion, he gave a solemn benediction to the

[a] Picart, vol. ii. p. 16.

[b] Matthæi Paris, Vitæ xxiii Abbatum S. Albani ad calcem Historiæ Majoris, Edit. Watts, Lond. 1684, col. 1007.

people. "*Benedicat vos omnipotens Deus, Pater et Filius et Spiritus Sanctus.*" This mummery continued till Innocents' day (December 28), on the eve of which, the boy bishop and his youthful clergy in their copes walked in procession to the choir, bearing lighted tapers in their hands, and provided with a censer, and chanted a special service, with prayers and responses. At Salisbury cathedral, the boy bishop held a sort of episcopal visitation during his short reign, and if he died within the month, he was buried like other bishops in his episcopal vestments.[c]

Feast of the Star,[d] i.e. the *Epiphany*. Three of the principal canons rode in procession to church, with crowns upon their heads, dressed in royal robes, and carrying in their hands golden boxes, containing the offerings of gold, frankincense, and myrrh. A gilt star, raised in the air by some mechanical contrivance, was drawn before them. There was a band of music, and they had many attendants *disguised as baboons, apes, and other wild animals*. Another canon personated king Herod, and at the side of the high-altar a manger was erected, with the Virgin and child sitting in it, to whom these *wise men* offered their gifts.

The Feast of Asses.[e] At Roan, in Normandy, on Christmas-day, all the prophets of the Old Testament and the sybil were personified in the cathedral, variously attired and predicting the birth of the Redeemer. Moses (for instance) was arrayed in an albe and cope, with the appearance of a horned glory over his head, a long beard, and a staff, and the tables of the law in his hands; Amos, as an old man, with a beard, holding an ear of wheat; Isaiah, in an albe, with a red stole bound round his head, and a long beard; Jeremiah in the vestments of a priest, a long beard, and a scroll in his hand....."Then Balaam, dressed and sitting upon an ass, having spurs upon his heels, is to hold the bridle and spur the ass; a young man with a drawn sword is to stand in the asses way, and some one creeping under the belly of the ass is to cry out 'cur me calcaribus miseram sic læditis:'" whence the festival took its name.

At Beauvais, on the 14th of January, a beautiful girl, riding upon an ass and having a child in her arms, was led to the principal altar where high-mass was celebrated. The *introit*, *gloria*, and *creed* of that mass, terminated with the modulation '*Hinham*!' (in imitation of the braying of an ass), and at the conclusion, instead of saying "*Ita missa est*," the priest turned and *brayed* towards the people, who responded—"*hinham! hinham! hinham!*"[f]

Kalendæ.[g] On the 1st of January, the people disguised themselves as wild beasts, and in all sorts of grotesque shapes; danced in

[c] Processionale ad usum Insignis et Preclare Ecclesiæ Sarum, Rothomagi, 1566, 4to. apud Hone.

[d] See in the Supplement to Du Cange *Stellæ Festum*, and in the Glossary itself, *Stellæ Festum*.

[e] Du Cange, voce *Festum Asinorum*.

[f] Ibid. It represented the flight into Egypt.

[g] Du Cange in voce *Kalendæ*. Item in Glossarii Supplemento, voce *Kalendæ*.

the church during the actual celebration of the mass; ate fat bacon and played at dice upon the very altar; burnt fetid substances as a burlesque upon the fumes of the incense; and even indecently exposed their persons. A pope or abbot of fools was chosen on these occasions, and a solemn "*Te Deum*" was chanted in the church in honour of his election. Du Cange expressly tells us that the bishops and clergy encouraged this ribaldry.

§ I.—MISCELLANIES RELATING TO CHURCHES, RELIGIOUS CEREMONIES, &c.

CONCILIA MAGNÆ BRITANNIÆ, &c., EDIT. WILKINS, VOL. I.

WILKINS, CONCIL. i. p. 3.—*Canons of St. Patrick, &c. made in Ireland*, A.D. 456.

Can. 23. If any presbyter shall have built a church, let him not offer there till he hath brought his bishop to consecrate it.

IBID. p. 5.—*Other canons of St. Patrick, of uncertain date.*

Can. 8. The church was not instituted for the defence of the guilty; yet, nevertheless, judges ought to be persuaded not to slay those who fly to the bosom of mother church.

Note. "Ne *spiritali* morte eos occiderent,"—as I cannot understand, I shall not attempt to translate.

SPELM. CONCIL. i. p. 89.—*Pope Gregory's epistle to Melito the abbot*, A.D. 601.

Among the English—"The idol temples ought not to be destroyed, but let the idols which are in them be destroyed. Let holy water be consecrated, and sprinkled in these temples; let altars be built, and relics be deposited: and, because they are in the habit of slaying many oxen in sacrificing to dæmons, on the anniversary day of the dedication, or the *birthdays* of the holy martyrs (i.e. *the day of their martyrdom*), let booths be constructed of the branches of trees around those churches which were formerly temples, and let them celebrate the solemnity with religious festivity."

Note. In the Eccl. Laws of king Edgar, A.D. 967, *can.* 28, these festivals are called "*encœnia* ecclesiarum," or *church wakes;* and Spelman supposes them to have been the origin of our modern *fairs.* Great abuses having arisen out of this practice, laws were made at various times to correct them. Thus, Othobon the legate, in his 34th *constitution*, (A.D. 1268,) expressly forbids the holding of a market (*mercatum*) within the walls of churches; for they used to sell cakes and ale in the sacred building itself. In some of our English villages there is still held a *wake* or *feast*, and occasionally, I believe, there are booths in the churchyard; but it is certainly so in Ireland, where these festivals are called *patrons*, from their being held on the day of the patron saint.

WILK. CONCIL. i. p. 21.—*Replies of Gregory the Great to Augustin*, A.D. 601.

"I entreat (says Augustin) that the relics of St. Sixtus the martyr may be transmitted to us." To which Gregory replies: "We have granted your request, as far as we could learn the place where people say that the body of Sixtus the martyr was formerly venerated; but it is my opinion, that if a body, which the people believe to be that of a martyr, should be honoured by no miracles, and if no ancient persons live who have been told of his martyrdom by their parents, the place in which the aforesaid body lies should be blocked up: nor let the people be allowed to desert that which is certain, and to venerate that which is uncertain."

IBID. p. 58.—*Eccl. laws of Ina, king of the West-Saxons*, A.D. 693.

Cap. III. If a slave shall work on the Lord's day by order of his master, let him be free, and his master pay a penalty of thirty shillings. If, however, the slave shall work without his knowledge, let him be beaten, or pay the ransom of his hide (*hydgyldes*). But if a freeman work on that day without his master's orders, let him lose his liberty, or forfeit sixty shillings; and let a priest pay a double forfeiture.

Cap. V. If any one who hath incurred the penalty of death shall flee to a church, let him have his life, but let him make satisfaction. If a man who deserves stripes shall flee to a church, let the stripes be forgiven him.

IBID. p. 60.—*King Withred's laws made at Berghamsted, (perhaps the present Bursted or Barsted, near Maidstone,)* A.D. 696.

Can. 1. Let the church enjoy her immunities and revenues; and let prayer be offered freely for the king.

Can. 2. Let the protection of the church be estimated at fifty shillings, as the king's is.

Note. The violation of the church's protection consisted in forcing malefactors from *sanctuary*.

Can. 9. If a man shall emancipate his slave *at the altar*, let him enjoy his freedom among the people.

Can. 10. If a slave, by order of his master, shall work *between Sunday evening after sunset, and the going down of the sun on Monday evening*, let his master make compensation with eighty shillings.

Note. This canon proves that the Anglo-Saxons reckoned their day from *evening to evening*, according to the scriptural method:[h] *Sunday* evening in this place means *Saturday* evening. The words *se'nnight* and *fortnight*, which are still in use are in reality vestiges of the same custom.

Can. 12. If a freeman (*shall do so*) at an unlawful time, let him incur the penalty of the *pillory*; and let the person who has apprehended him have half the mulct.

[h] Gen. i. 5.

Note. Johnson thinks the *healsfang*, or *neck-catch*, to have been a kind of collar, worn as a badge of slavery. In *can.* 13 and 15, this punishment (whatever it was) is adjudged to the man who has made an offering to the devil, or who has given flesh to his servant upon a fast-day.

Wilk. i. p. 81, n. In the year 725, Ina, king of the West-Saxons, founded a chapel at Glastonbury with incredible magnificence, and lined it throughout with gold and silver plates. On this work he is said to have expended 2640 lbs. of gold and silver, *besides* an altar weighing 246 lbs. of gold; a chalice and paten of gold weighing 10 lbs.; a golden censer weighing 8 lbs. and 8 mancusses; two silver candelabra, 12½ lbs.; a golden cover for the gospels, 20 lbs. 60 mancusses; a golden basin for the priest's hands during the celebration of mass, 8 lbs.; a silver vase for holy water, 20 lbs.; the images of our Saviour, the blessed Virgin, and the twelve apostles, 175 lbs. of silver, and 28 lbs. of gold. A pall (*pallium*) also for the altar, and ornaments for the monks, exquisitely wrought with gold and precious stones.[i] This splendid structure is not without a parallel even at the present day. Dr. Dibdin tells us of the chapel to the palace at Munich: "The pavement is mosaic work, composed of amethysts, jaspers, and lapis lazuli; the interior of the cupola is composed of lapis lazuli, adorned with gilt bronze. Here is to be seen a statue of the Virgin in a drapery of solid gold, with a crown upon her head composed of diamonds; a massive golden crucifix adorned with precious stones, and upon which there is an inscription cut upon an emerald an inch square. The small altars are supported by columns of transparent amethyst, &c. I will say nothing of two little caskets studded with cameos and turquoises, in this chapel of faëry land, of which one contains two precious pictures by Jean d'Aix la Chapelle, and the other (of massive gold, weighing 24 lbs.) a painting of the Resurrection and of Paradise in enamel. Even the very organ is constructed of gold, silver, ebony, turquoise, and lapis lazuli, ornamented with pearl and coral. As to the huge altar of massive silver, adorned with careatides, candelabra, statues, vases, and bouquets of the same metal, and especially the pyx, lined with diamonds, rubies, and pearls; what shall I say of these—all the fruit of the magnificent spirit of Maximilian? Truly, I would pass over the whole with an indifferent eye, to gaze upon a simple altar of pure gold, the sole ornament of the prison of the unfortunate Mary Queen of Scots."[j]

Ibid. p. 102, &c.—*Excerptions of Ecgbert, Abp. of York*, A.D. 750.

Ex. 1. Let every priest build his church with all diligence, and preserve the relics of the saints, with nocturnal vigils, and the performance of divine offices.

[i] Spelm.
[j] Dibdin's Tour through France and Germany, in 1818, edit. London, 1829, vol. iii. p. 114.

Ex. 2. Let all priests, at the appointed hours of the day and night, toll the bells of their churches (*sonent ecclesiarum signa*), and then celebrate the divine offices: and let them instruct the people how, and at what hours, God is to be worshipped.

Ex. 3. That on all festivals, and on the Lord's day, the priest shall preach the gospel unto the people.

Ex. 6. That every priest shall, with the greatest diligence, instruct the people committed to his charge in the Lord's Prayer, the Creed, and the whole of religion.

Ex. 28. That every bishop shall take care that the churches of God in *his parish* be properly built, repaired, and adorned: both with respect to the style of building, the lights, and the rest of the furniture. Let him also take care that the canonical hours be celebrated at the proper time. The holy fathers then have decreed, that *seven synaxes* shall be sung, which the clergy ought to sing every day at the appointed hours: viz. 1. the nocturnal synaxis: 2. the first hour of the day: 3. at the third hour: 4. at the sixth; 5. at the ninth; 6. in the evening: and 7. at what we call *complins*.[k]

Ex. 52. That no altars shall be consecrated with the chrism but such as are made of stone.

Ex. 74. *An Irish canon.* Let that which is stolen from the church be restored four-fold: and let it be determined by lot, whether he shall have his hand cut off, or be cast into prison to fast and bewail (his crime) there a long while.

Ex. 86. Let the man who leaves the auditory while the priest is preaching in the church, be excommunicated.

Ex. 141. If the altar be removed, let the church be again consecrated: if the walls are changed, and not the altar, let it be exorcized with salt and water: if it shall have been polluted with murder or adultery, let it be most diligently purified and consecrated anew.

WILK. i. p. 191, &c.—*Eccl. laws of Alfred the Great*,[l] A.D. 876.

Cap. II. If any one shall flee to the *mansion of the church*, for any crime which concerns not the king's estate (*feorme*), or any other honourable family, let him have the space of three days allowed him to conceal himself, unless he should be willing to make satisfaction. If any one shall during that time do him an injury, let him make compensation either by *weregeld* or by *mulct*, and pay to the ministers of the church one hundred and twenty shillings for this violation of the *peace of the church*.

Cap. IV. We assign also this *peace* to every church consecrated by a bishop: that if any criminal shall flee to it, no one shall drag him thence within the space of seven days, if he can live so long without food, and has not attempted to force his way out. If the clergy have occasion for their church, let them keep him in some

[k] See p. 284, *Note* (*a*).

[l] Text. Roffens.

house which has not more doors than the church. It it also the peace (i. e. *privilege*) of the church, that if any one shall flee thither for a crime not yet discovered, and confesses it there in the name of God, half of the penalty shall be forgiven him.

Cap. v. If a man shall steal any thing in a church, let him pay the value of it, and a mulct; and let the hand with which he committed the theft be cut off, unless he be allowed to redeem it with his *were*.

Cap. xvi. If any one shall without leave take down the holy veil (which hangs) before the people in Lent, let satisfaction be made with one hundred and twenty shillings.

Wilk. i. p. 202.—*Eccl. laws of kings Alfred and Guthurn; afterwards confirmed by king Edward the Elder,* a.d. 905.

Cap. i. That the peace of a church within its walls, and the peace of the king's right hand, be equally inviolable.

Ibid. p. 210.—*Laws of Howel the Good, king of Wales,* a.d. 943.

Lib. ii. c. 8, § 4. Let the man who hath fled to an asylum be allowed to walk about in the churchyard and precincts of the church without relics; and his cattle shall be safe when with those belonging to the monastery.

§ 5. If any one carrying relics shall commit a crime under their protection, they shall neither protect nor defend him (*from punishment*).

§ 8. If the king shall permit a church to be built in an enslaved town, and a burial-ground shall be assigned to it, and priests shall be appointed there for the celebration of mass, from that time forward the town shall be free.

[In another of these laws, not published by Wilkins, the truth in questions concerning theft "shall be established by an oath made at the gate of the cemetery, at the gate of the church, and at the entrance into the choir (*in ostio chori*), in presence of the priest."]

Ibid. p. 215.—*Council of London under king Edmund,* a.d. 944.

Cap. v. That every bishop repair God's house in his own (*see*), and admonish the king that all the temples of God be properly adorned, which is very much required.

Ibid. p. 272.—*Capitula made in the reign of king Æthelred,* a.d. 994.

Cap. xxiii. The christian laity should be directed to pray at least twice a-day, if they cannot do so more frequently: and if a man know not the *Pater-noster* and *Credo*, let him sing and say, "O Lord, my Creator, have mercy upon me," and thank God for his daily food, &c.

Cap. xxiv. Every christian who can do so, ought on Saturday to go to the church, *and bring a light with him*, and there hear *vespers*

and *nocturns*: and in the morning to attend the celebration of mass, bringing his oblations.

WILK. i. p. 295.—*Ecclesiastical laws of king Æthelred made at Haban*, A.D. 1012.

Cap. III. That in every congregation, the mass "*against the Pagans*" be sung every day in behalf of the king and his people: and at each of the (*canonical*) hours, let all the monks, with their bodies prostrate upon the ground, sing the psalm, "*Lord, how are they multiplied who trouble me?*" and let this be done so long as the necessity continues. And in every monastery let every priest celebrate singly thirty masses for the king, and let every monk sing thirty psalters.

JOHNSON'S COLLECTION,[a] &c. Vol. I. *at the year* MXVIII.

Laws of Canute.

Cap. XXIX. All people ought of right to assist in repairing the church.

SPELM. i. 628-634, A.D. 1066. King Edward the Confessor had vowed to make a pilgrimage to Rome: but his nobles "entreated him to desist from his intention, promising that they would make satisfaction to God for his vow, as well by offering up masses and prayers, as by a liberal distribution of alms." By way therefore of commutation, the king rebuilt the church of St. Peter, Westminster, (which had become much dilapidated from age,) and is said to have introduced into England the plan of building in the form of a cross, with the lower limb lengthened.

In his *first* charter to the church of Westminster,[b] he mentions, among other relics preserved there, "two pieces of our Lord's cross, and a part of one of the nails (*which pierced his hands*); a piece of his seamless garment; some of the clothes of St. Mary," &c.

In his *third* charter on the same subject,[c] he says, that the ancient church at Westminster "had been built by Melito the companion of St. Augustin, *and dedicated by St. Peter himself, attended by angels, with the impression of the holy cross, and the mixture of the sacred chrism.*"

WILK. i. p. 311.—*Ecclesiastical laws of Edward the Confessor, confirmed by William the Conqueror*, A.D. 1052.

Cap. III. From the advent of our Lord to the octaves of the Epiphany, let the protection of God and of the holy church (*extend*) throughout the whole kingdom, and so also from Septuagesima till the octaves of Easter. Also from our Lord's Ascension till the octaves of Pentecost. Also on all the days of the four (*Ember*) seasons. Also on all sabbaths, from the *nones* (i.e. *three o'clock*),

[a] This was not published by Wilkins or Spelman.

[b] Spelm. i. 629. [c] Ibid. p. 632.

and the entire of the following day, till Monday. Also on the vigils of St. Mary, all the apostles, and all those saints *whose festivals are announced by the priest on the Lord's day.* Also in all parish churches in which the anniversary of the dedication is observed: and if any man shall come devoutly to venerate a saint, let him enjoy protection in coming, remaining, and returning. Also let those who come to dedications, synods, or chapters, whether by summons or upon business, enjoy absolute protection. Also if an excommunicate person shall go to the bishop to be absolved, let him enjoy the protection of God and the holy church.

Cap. VI. Wheresoever an accused or guilty person shall flee to a church for protection, from the moment he touches the threshold of the church, let him be on no account seized by his pursuers, unless by the bishop or his attendants. And if in his flight he shall enter the house of a priest or its court (*curiam*), let him enjoy the same security and protection, provided that the house is built upon glebe land. [The remainder of the canon commands the robber who has taken sanctuary to make restitution of the property stolen; and that if he hath frequently taken sanctuary, he shall be compelled to abjure the realm.[p]]

Cap. VII. If any one shall violate the peace of the church, let the case be referred to the jurisdiction of the bishop: and if he will not submit to the decision, let complaint of it be brought to the king; and if he cannot be found within thirty-one days, the king shall outlaw him (*utlagabit eum*) by word of mouth. If afterwards he should be found, let him be delivered to the king alive, or *his head* should he resist: for he carries a wolf's head from the time of his outlawry, which the English call *wulfesheofod.*

WILK. i. p. 332.—*Constitutions of Archbishop Lanfranc,* A. D. 1072.

On Ash Wednesday, let the priest, having only his stole on, bless ashes, sprinkling holy water over them, and then put them upon the heads of the brethren, saying, "Remember that thou art ashes (*cinis*), and unto ashes thou shall return." On the first Sunday in Lent, after *complins,* (i.e. *the midnight devotions,*) let the veil (*cortina*) be hung between the choir and the altar. On the Monday before the third (*hour*) the crucifix, crowns, reliquaries, &c. ought to be covered. On the Wednesdays and Fridays (*in monasteries*) let the chanter begin the antiphon, and then let the brethren walk in procession, chanting the litany; and let no one have his shoes on but the priest and the levite (i.e. *deacon*). If a festival should occur during Lent, on the day before, when the "*Agnus Dei*" is sung in the principal mass, let the veil be undrawn, and let the forms be removed from the choir, which are usually removed upon (*festivals which have*) twelve lessons.

[p] See in the Index *Abjuring the Realm.*

Note. On Palm Sunday a procession of the host was to take place, with crosses and banners, all kneeling as it passed. On the Wednesday in Passion-week, at each of the responses, a candle was to be extinguished, till only one was left, which was also to be blown out at the words "*traditor autem*," *&c.* On Maundy Thursday the feet of thirteen paupers were to be washed, and the feet of all the monks in a convent, by the abbot. On Good Friday the "*missa præsanctificatorum*," the adoration of the cross, &c. On the Saturday called *Sabbatum Sanctum* candles were to be placed upon all the altars, and the paschal candle to be placed before the high altar; having the year of our Lord inscribed upon the wax, and also the figure of a cross made upon it with five grains of incense. The holy fire was also to be consecrated, from which all the other fires in the convent were to be lighted, after having been extinguished—probably a relict of Druidical superstition. In these directions, mention is made of the *vestiarium*, or vestry.

WILK. i. p. 365.—*Council of Winchester, under Lanfranc*, A.D. 1076.

Can. 5. Concerning altars that they be of stone.

Can. 8. That mass be not celebrated in churches, unless they have been consecrated by bishops.

Can. 9. That corpses be not buried in churches.

Can. 10. That bells be not rung while mass is celebrated at the *secretum*.

Note. The *secretum* is that part of the mass between the *offertory* and the *preface*.

Can. 16. That chalices be not of *wax* or wood.

IBID. p. 382.—*Council of London, under Abp. Anselm*, A.D. 1102.

Can. 14. That tithes be only given to churches.

Can. 15. That prebends or churches be not purchased.

Can. 16. That new chapels be not built without the consent of the bishop.

Can. 17. That a church be not consecrated till all necessaries have been provided both for the priest and the church.

IBID. p. 571.—*Constitutions of William de Bleys, bishop of Worcester*, A.D. 1219.

That after the feast of the Holy Trinity, smaller wax candles be made from the paschal candle, for the funerals of the deceased poor.

IBID. p. 580.—*Council of Durham, under Richard, bishop of Durham*, A.D. 1220.

Let priests write in the missal the possessions and revenues of the church, and the names of the books, vestments, and ornaments which belong to it.

IBID. p. 612.—*Provincial council in Scotland*, A.D. 1225.

Can. 48. On every Lord's day and festival, from the beginning of Lent till the octaves of Easter, immediately after the gospel at mass,

let the subject of building a (*cathedral*) church at Glasgow be carefully impressed upon the parishioners in all the churches; and let them be instructed respecting the INDULGENCES granted to all who shall contribute towards the said building; and let the gifts of the people, *the goods of those who die intestate*, and pious legacies, be given to the respective deans without any diminution.

Note. This canon at once explains to us the manner in which funds were raised for the building of cathedral churches. Testamentary bequests were numerous and liberal at a time when such works were considered as a passport to heaven; church-briefs, sent about to collect the voluntary contributions of the people, *often throughout the entire kingdom*, were accompanied by INDULGENCES to all who should assist; fines for ecclesiastical offences, and the commutations of penance, were usually applied to the same purpose, as will hereafter appear; and the bishops and clergy being unmarried, frequently bequeathed the savings of a long life towards the adornment of that sacred building in which their ministry had been exercised. [r]

Can. 67. That dances or filthy games which engender lasciviousness be not performed in churches or churchyards; and that secular causes, especially where life is at stake, be not tried there.

Can. 71. That when a sick man desires to make his will, the priest shall earnestly exhort him to contribute, as far as his means will allow, towards the building of the cathedral church; since from her all the parish churches receive instructions (*in the way of*) salvation. [s]

Can. 75. That wrestling matches or (*other*) sports be not permitted in churches or churchyards upon any of the festivals.

Can. 80. That laymen hold not their secular pleas in churches or churchyards; and that laymen presume not to sit or stand among the clerks near the altar, while the holy mysteries are celebrated, except our lord the king and the nobility of the kingdom.

Can. 81. That the concubines of priests or beneficed clerks be not admitted in churches to the holy water, the kiss of peace, or to any communication with the faithful.

WILK. i. p. 623.—*Constitutions of William de Bleys*, A. D. 1229.

Cap. v. Let a handsome cross be erected in (*every*) churchyard, to which the procession shall be made on Palm Sunday.

Note. One of these crosses is still standing in the churchyard at Eyam in Derbyshire. But there are many examples of the same kind.

Cap. VII. Let the year and day on which a church was consecrated, the name of the consecrator, and the name of the saint to whose honour the church is dedicated, be clearly and distinctly written around the high-altar, as well as all the smaller altars.

Cap. XI. That (*the profits arising from the*) holy water be conferred only upon poor scholars: also that the palls of the altar,

[r] See here p. 216. [s] See p. 94.

although unconsecrated, be not lent to decorate houses or nuptial beds.

WILK. i. p. 628.—*Inquiries made in the diocese of Lincoln*, A. D. 1230.

In. 15. Whether the revenues assigned to the purchase of lights for the church be applied to that purpose, or to the use of the rectors and vicars?

In. 45. Whether any of the laity persist in standing in the chancel with the clergy?

IBID. p. 636.—*Constitutions of Edmund, Archbishop of Canterbury*, A. D. 1236.

Cap. X. Let there be a stone baptistery in every *baptismal* church.

Note. Collegiate and conventual churches having no laity belonging to them had no fonts, and some chapels or lesser dependent churches had not the right of baptism. Lindwood (*in loco*) says that the font must be large enough to have the child dipped in it, and that it ought to be thrice dipped, though he makes neither of these particulars essential to the sacrament.[t]

IBID. p. 641.—*Constit. of Alexander, Bp. of Coventry*, A. D. 1237.

Since many scholars, whose learning, through the grace of God, may edify many, are in want of the necessaries of life, it is our will that scholars carry holy water through the country villages.

We also forbid, upon pain of suspension, any clerks who serve in churches to live upon (*the profits of the*) holy water.

IBID. p. 650.—*Legatine Constitutions of cardinal Otho*, A. D. 1237.

Cap. I. We have found *many* churches (*in England*), *and even some cathedrals*, which, although built in old times, have not yet been consecrated with holy oil.

IBID. p. 667.—*Constitutions of Walter, Bp. of Worcester*, A. D. 1240.

Let the eucharist be carried to the sick with all due solemnity, that so the devotion of the faithful may be increased, who are bound to adore their Saviour upon the road with bended knees, notwithstanding the mud.

In wealthy churches, let a lamp burn day and night before the said pledge of our redemption.

Let such of the beneficed clergy as dress in an unclerical manner be fined the tenth part of their annual revenues, to be applied to the building of Worcester cathedral.

We also ordain, that from henceforth churches be on no account suspended by archdeacons from the celebration of divine offices, on account of the delinquency of the rectors, &c.

We also prohibit Christians to receive money from Jews to be deposited in the church for greater security.

[t] Johnson.

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WILK. ii. p. 140.—*Synod of Exeter, under Peter Quivil, bishop of Exeter*, A. D. 1287.

Cap. XII. We have heard also that the inhabitants of parishes repeatedly quarrel about seats in the church, two or more persons (*often*) laying claim to one seat, which is a cause of much scandal, and often produces an interruption in the service. We decree that no person shall for the future be able to claim any seat as his own, with the exception of noblemen and the patrons of the churches; but that if a person shall first enter a church to pray there, he may choose whatever place he will.

Note. This most wise and salutary regulation is unfortunately but too applicable to our own times. In an architectural point of view, the modern system of pewing churches is utterly indefensible, for how many noble monuments of the taste of our ancestors have been spoiled by such incongruous additions: but the monopoly in the house of God, to which the system gives rise, is an infinitely greater evil. It grieves me to the heart when I see large square pews, capable of accommodating at least a dozen persons, either with a single occupant, or else locked up by their churlish owners, who will not, *even during their absence*, permit others to enjoy the spiritual advantages which they themselves seem unable to appreciate: and, waving this consideration, what economy of room can there be, so long as our churches are divided into irregular squares?

Cap. XIV. We decree, that if the rectors of churches, or parish priests, to whom the custody of burial-grounds chiefly belongs, shall suffer their own or any other cattle to feed there, they shall be severely punished by their ordinaries: and since trees are often planted there *to prevent the church from being injured by storms*, we strictly forbid the rector to fell them; unless the chancel should stand in need of repair, or unless, when the nave requires to be repaired, the rector, on account of the poverty of the parishioners, shall think proper, out of charity, to grant them some of the trees for that purpose.

Cap. XXI. That parish priests engage not to perform *annals* or *triennials*, so that their parish churches are deprived of the daily offices.

Note. Formerly, at the canonical hours, the bell was tolled in every parish church, that the devout parishioners might repair thither to pray: and even now, in our *Book of Common Prayer*, the following passage occurs in one of the prefaces: "And all priests and deacons are to say daily the morning and evening prayer, either privately or openly; not being let by sickness or some other urgent cause. And the curate that ministereth in every parish church or chapel, being at home, and not being otherwise reasonably hindered, shall say the same in the parish church or chapel where he ministereth, and shall cause a bell to be tolled thereunto, that the people may come to hear God's Word, and to pray with him."

Cap. XXIII. About fifty-seven festivals are enumerated, on which, besides Sundays, all persons were expected to abstain from bodily labour.

WILK. ii. p. 171.—*Constit. of Gilbert, Bishop of Chichester*, A. D. 1289.

Cap. XXVIII. Let all presbyters, when they see storms approaching, without waiting for our instructions, immediately excite the devotions of their parishioners to processions and humble prayers.

IBID. p. 184.—*Constit. of Gilbert, Bishop of Chichester*, A. D. 1292.

That hereafter no hollow trunks shall be erected in the parish churches of our diocese, (as has been hitherto done by the simplicity and connivance of the parochial clergy,) since the parishioners maliciously and damnably put into these trunks the oblations which were wont to be offered to those who minister to God at the altar.

IBID. p. 295.—*Constitution of Henry Woodlocke, Bp. of Winchester*, A. D. 1308.

We command that the anniversary of the dedication shall be observed by the parishioners of those churches, and also of all the chapels in the neighbourhood which have not been dedicated: that the day and year of the consecration, with the name of the consecrator, the endowment, and the indulgences then granted, be distinctly noted down in the calendar and other books belonging to the church. That tents shall not be pitched or houses built in churchyards, unless perchance (which God forbid!) a war should arise. Also, that in all churches which are commonly valued at fifty marks and upwards, there shall be one deacon and one subdeacon continually ministering.

IBID. p. 439. *A letter from Archbishop Walter*, A. D. 1314, enjoining his suffragans to institute public solemn processions in their respective dioceses, for the safety of the church, and the peace of the kingdom, at the time that king Edward II. was going on a hostile expedition to Scotland.

IBID. p. 513.—*Constitution of Archbishop Walter Raynold, at Oxon.* A. D. 1322.

Let no parish priest presume to celebrate mass till he hath finished matins, prime, and tiers;(*a*) and let no clerk be permitted to serve at the altar, unless he be vested in a surplice;(*b*) and at the celebration of the mass let two candles be lighted, or one at least.(*c*)

Note. (*a*) *Matins*, called also *uht-song*, began about daybreak.—*Prime-song* began about seven in the morning, the first hour.—*Tiers*, or *undern-song*, began at nine o'clock, A. M., the third hour.—*Mid-day song* began at noon.—*Noon-song*, or the *nones*, began at three o'clock, P. M., the ninth hour.—*Even-song* was, I think, at six in the evening.—*Complins* at nine at night.—*Nocturns* about midnight, though this *hour* was not generally used.

Note. (*b*) Lindwood professes not to have read of a *surplice* in the whole body of the canon or civil law, or the holy Scriptures: but Durandus the elder, who lived above 130 years before Lindwood, makes mention of it, lib. iii. cap. 1, 2.[u]

Note. (*c*) "This candle ought to be of wax rather than of any other substance; for such a candle, when it burns, represents Christ himself, who is the *Light of the world*, for *three* reasons:—For it is composed of wax, a wick, and light: so also Christ consists of the flesh of the Virgin, generated without seed, as *wax* proceeds from the bee without generation. The *wick* being white, signifies the (*human*) soul of Christ adorned with the whiteness of innocence. Lastly, the *light* represents his divinity united to the flesh."[v]

Wilk. i. p. 697.—*Constitution of Archbishop Stratford*, A. D. 1342.

Cap. v. Though parishioners, by laudable custom, are bound to repair the naves and roofs of their own parish churches, yet religious persons (i. e. *monks*) having estates, farms, and rents within the bounds of such churches, unjustly refuse to contribute towards the fabric of the said churches, insomuch that the residue of the parishioners are not able of themselves to bear the burthen; by which the houses of God become an eyesore, and many inconveniencies thereupon ensue: we therefore ordain, that the religious, as well as others who have estates in a parish, if they do not belong to the glebe or endowment of the churches to be repaired, be compelled, by ecclesiastical censures of their ordinaries, to bear their share of the burthen.

Note. Hence it appears, that the most ancient way of raising a church cess, was by proportioning the rates to the lands used by the several occupiers within the parish, without making any difference between in-dwellers and out-dwellers.[w]

Concilia Magnæ Britanniæ, &c., Edit. Wilkins. Vol. III.

Wilk. iii. p. 10.—*Constitution of the diocese of Sodor*, A. D. 1350.

Cap. ii. That all rectors, vicars, and chaplains, shall on every Sunday and festival carefully expound to their parishioners the Word of God, the Catholic faith, and the Apostles' (*creed*), in the vulgar tongue.

Cap. vi. Let notice be given in all parish churches, that from every house a man or a woman, or both of them, shall on each Sunday attend at the church, to hear the commandments of God and of the church; unless they have a reasonable excuse, which they shall of their own accord make known to the rector or his deputy, if they wish to escape ecclesiastical punishment: and let every one who habitually absents himself from the fold to which he belongs, pay a fine of two shillings and fourpence for each offence.

[u] Johnson. [v] Lindwood. [w] Johnson.

WILK. iii. p. 20.—*Constitution of John de Sancto Paulo, Archbishop of Dublin,* A. D. 1351.

That believers in Christ, whenever they hear his holy name pronounced, or the *Gloria Patri,* shall devoutly incline the heart and head unto God: and to all who shall do so, we grant ten days' indulgence.

IBID. p. 61.—*Constitution of Simon Langham, Bp. of Ely,* A. D. 1364.

By the special authority of an apostolic rescript, we wholly forbid that execrable custom, which is observed in some churches, of celebrating the festival of fools, lest the *house of prayer* should become a house of buffoonery, and lest the bitterness *of our Lord's circumcision* should become an object of ridicule and mirth. We command also that solemn proclamation be made in every church against the custom of raising rams upon wheels, and other such sports, in which people contend for the mastery: nor let priests permit their parishioners to struggle for the precedence of their standards at the annual visitation of the mother church, since fights and sometimes bloodshed are the issue of such contests.

IBID. p. 68.—*Constitution of John Thoresby, Archbishop of York,* A. D. 1367.

Whereas it frequently happens, that those who assemble in churches on the vigils of the saints, or at the exequies of the dead, when they ought to be employed in devotional exercises, perverting the institution, give themselves up to pernicious games and vanities, or sometimes worse, to the grievous offence of God and of the saints whom they pretend to venerate; and at the exequies of the dead turn the house of grief and prayer into a house of revelry and excess, at the imminent peril of their souls: we strictly forbid all who attend at the said vigils or exequies, and especially when they are celebrated in churches, to practise any such filthy games, or other (*sports*), which lead men into error and sin.

IBID. p. 73. *Mandate of Simon Langham, Archbishop of Canterbury,* against markets held on a Sunday in the Island of Sheppey, so near the church as to interrupt the celebration of mass. A. D. 1368.

IBID. p. 122. *A Letter from the Archbishop to the bishop of St. Asaph,* A. D. 1377, complaining that "very many churches of your diocese, in which God himself is daily immolated and received, contrary to the canonical institutes and the constitutions of the holy fathers, *still remain undedicated or even unconsecrated;* or if perchance they have been polluted (by bloodshed, adultery, &c.), are not *reconciled.*" Note here the distinction between the consecration, dedication, and reconciliation of a church.

IBID. p. 156. *A form of Prayer* sent by the archbishop to his suffragans, to be used throughout the several churches in his province, for the protection of England against her foreign and domestic enemies: also that God would be pleased to avert from

the land the violent tempests and the pestilence which at this time raged on the continent. This is the first instance of the kind which I have met with; for on similar emergencies the archbishops usually contented themselves with ordering *processions*, in which the ordinary litanies and prayers were probably used. The date of this mandate is A. D. 1382.

WILK. iii. p. 194. *Letter of Robert, Bishop of London*, A. D. 1385 against those who presumed to buy and sell in St. Paul's cathedral, to play at ball there, and to throw stones at the birds which built their nests within the sacred edifice.

IBID. p. 252. *Constitution of Archbishop Arundel*, A. D. 1400, in which about forty-nine festivals are enumerated, on which, besides Sundays, the people were to abstain altogether from their usual occupations. Good Friday, Ash Wednesday, and other fast days, are not mentioned, and the festival of St. George, the patron saint of England, was not yet instituted.

IBID. p. 282. From a public instrument, dated A. D. 1405, we learn, that on every Sunday during Lent, in the city of Norwich, there was but one sermon preached, "in a certain large garden situated on the north side of the cathedral, called *Le Greneyerd*."

IBID. p. 310, A. D. 1408. We read of a sermon preached by the archbishop of Canterbury before the cross in St. Paul's churchyard, London.

IBID. p. 389. *Monition of the Bishop of Lincoln*, against a practice which prevailed at Leicester, A. D. 1418. On the five festivals of St. Mary, the people, it seems, gave themselves up to gluttony, drunkenness, and lust; calling their frolic by the name of "*gloton messe*."

IBID. p. 505.—*Constitution of William Heyworth, Bishop of Coventry, &c.* A. D. 1428.

He decrees, that every canon (i. e. *prebendary*), on commencing his first residence, shall pay *a hundred marks* towards the structure of the cathedral church, the purchase of ornaments, &c.

IBID. p. 565.—*Council of the province of Cashel at Limerick*, A. D. 1453.

Can. 2. That on all Lord's days and other festivals, parochial ministers shall recite the canonical hours in their churches in order; and also on other days, whenever they are able, after the bell hath been thrice tolled: let also mass and other divine offices be celebrated on festivals, and at least thrice in every week, on pain of forfeiting forty pence.

Can. 16. That where churches which are appropriated have fallen to ruin, the ordinaries of those places may apply their revenues to the necessary repairs.

Can. 30. Mention is made of the *vestry*.

Can. 84. The church porch enjoys the same immunity with the church itself, whether it be consecrated or not.

Wilk. iii. p. 621. *A Bull of Pope Innocent VIII.* A.D. 1487; to the effect, that criminals who fled to a church for sanctuary, and went out from thence to perpetrate crimes, might be forcibly removed from the church by the king's officers, and punished as their crimes deserved.

Ibid. p. 701, &c. *Constitution of Cuthbert, Bishop of London,* A.D. 1523, ordaining that the anniversary of the dedication of St. Paul's cathedral, as well as of all the churches in the diocese of London, should be celebrated on the 3rd day of October in each year; in order to diminish the number of holidays, which encouraged the people to indulge in riotous excesses.

§ II.—ON THE INTRODUCTION OF IMAGE AND SAINTS' WORSHIP INTO ENGLAND.

Spelm. Concil. i. 211, &c.—*Documents relating to the Vision of Egwin, Bishop of Worcester, about* A.D. 709.

The Magdeburg centuriators say, that Egwin saw in a vision the Blessed Virgin Mary, "who commanded that her image should be placed in the church of which he had the care, that it might be worshipped by the people:" that "the bishop sent an account of the vision to Pope Constantine, who commanded that a council should be celebrated in London with the consent of archbishop Brithwald, to which, upon pain of excommunication, kings and bishops came; and it was decreed that images should be placed in the churches, and honoured with the celebration of masses and with adoration." This account is incorrect in almost every particular, for in the first place not a syllable respecting images occurs either in the letter of Egwin, or the rescript of Pope Constantine; and in the second, the council was not held in London, but "near to the place where the vision occurred," and in fact it related entirely to the foundation of the monastery of Evesham.

The Charter of Egwin. "I Egwin, humble bishop of the Wiccii, am desirous of shewing to all the faithful servants of Christ, how it was shewn to me, by the inspiration of the Holy Ghost, and many illustrious visions, that I ought in the first place to build a house to the praise and glory of the omnipotent God, and of St. Mary, and all the elect of Christ, and also for my own eternal reward. When therefore I was in great favour (*maxime florerem*) in the days of king Ethelred, I entreated from him the place that is called *Ethomme*, in which place the holy Mary (ever a virgin) first appeared to a certain shepherd called Eoves, and afterwards to me also, holding a book in her hand, and accompanied by two virgins. I therefore purified the place (*mundavi*), and by the assistance of God's grace completed the work which I had begun." Then he mentions the lands wherewith he had endowed the monastery of

Evesham, and concludes with an imprecation against all who should violate the charter.

SPELM. i. p. 213. In the epistle of Pope Constantine to Brithwald, archbishop of Canterbury, concerning Egwin's vision (A. D. 709), he merely ratifies the vision; decrees that the place where the Virgin had appeared should be held sacred, and a monastery founded there; and directs Brithwald to convene a synod upon the subject, "in those parts in which the vision is related to have taken place."

Note. It is observable that no mention is made of images either by Egwin or the Pope; nor in the charter of kings Kenred and Offa,[x] nor in Brithwold of Glastonbury's life of Egwin, written about A. D. 738; nor by William of Malmsbury, who flourished about A.D. 1230; nor in the life of Egwin written by Capgravius, A. D. 1436;[y] from which it is evident that the centuriators were mistaken with respect to this council, which related solely to the foundation of the monastery of Evesham, and therefore that the introduction of *image worship* among the Anglo-Saxons must be referred to a later period.

WILK. CONCIL. i. p. 97.—*Cuthbert's canons at Cloves-Hoo,* A. D. 747.

Can. 17. That the birthday of the holy Pope Gregory, and the day on which St. Augustin, archbishop and confessor, was buried, be venerated by all; and that the name of our aforesaid holy father and instructor Augustin be always recited in the litany *after the invocation of St. Gregory.*

Note. SAVILE'S *Scriptores post Bedam*, Lond. 1596, fol. 232. Roger de Hoveden says, in the first part of his Annals, that after the second council of Nice, in the year 792, "Charles (*the Great*), king of the Franks, sent a book of the synod to Britain, which had been transmitted to him from Constantinople; in which book, alas! many unseemly things (*inconvenientia*) were found and which were contrary to the true faith; especially since it was decreed, with the unanimous consent of almost all the eastern doctors, (in number about three hundred,) that images ought to be worshipped, *which the church of God abhors.* Against which, Albinus (i. e. *Alcuin*) wrote a letter, wonderfully confirmed by the authority of holy Scripture, and, as a representative of our kings and bishops, carried it to the king of the Franks."

It is well known that Charlemagne, soon after this, convened a synod of more than three hundred bishops at Frankfort, in which the decree of the Nicene council concerning image worship was condemned. I shall here add a few notes respecting the introduction of image worship into England, chiefly from Spelman.

1. Respecting the letter of Alcuinus to Charlemagne, we have the testimony of many ancient writers, viz. Florilegius, Hoveden, Cestrensis, and Malmsbury.[z]

2. It is very certain, that if the first preachers of religion among the Anglo-Saxons had worshipped the crucifix or images, mention of it would have been made by some contemporary author; but even Bede himself, among so many miracles which he relates to have been performed by the cross,[a] and the various and fervent devotions of holy men,

[x] Spelm. i. 209.
[y] Ibid. p. 214
[z] Ibid. i. 218, 307.
[a] See Hist. b. iii c 2, and *passim.*

mentions not a single instance (as far as I know) of any person who worshipped a crucifix or an image, or taught that they ought to be worshipped.[b]

It has been said in reply to this, that at his first interview with Ethelbert, about A. D. 596, Augustin and his companions carried a silver cross and an image of our Saviour. But it is one thing to *use* a thing, and another to *worship* it. The christian soldiers carried a cross before them as a sign of their profession; and Herodian tells us that the imperial standard was changed by Constantine into a cross (*labarum imperiale*)—but did this imply any adoration of the sacred symbol? By no means, for with the same reason might it be concluded that protestants worship the saints, because we have their pictures in many of our cathedrals. That Augustin and his followers employed the cross merely as *a kind of banner* or *standard* of their profession, is evident from the words of Bede, which I subjoin in the original: "At illi veniebant crucem *pro vexillo* ferentes argenteam, et imaginem Domini Salvatoris in tabulâ depictam, letaniasque canentes pro eorum ad quos venerant salute æternâ.[c]

3. "I have a psalter," says Spelman, "written in the 8th century, in which there are one hundred and seventy-one prayers, yet not a single one of them is addressed to the blessed Virgin Mary, or to the saints—a remarkable proof that saints' worship was in this age very little used among christians."

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WILK. i. p. 161. *Synod of Finchenhalia, or Fencal, near Durham,* A. D. 798. Our lord bishop Ehanbald commanded the faith of the five (*first general*) synods to be recited, concerning which it is thus written in the history of the English: "We receive (*the faith of*) the *five* holy and œcumenical synods of the blessed fathers, pleasing unto God, as it is declared in the text of the book before us." It is to be observed, that the second council of Nice, which decreed image worship, had assumed the title of *the* SEVENTH *general council;* and as it had been held A. D. 780, (eighteen years before,) their receiving only *five* general councils is at least a presumptive proof that they disapproved of the practice in question.

IBID. p. 180.—*Ecclesiast. Laws of Keneth, king of Scotland,* A. D. 840.

Cap. I. Venerate sincerely altars, temples, *the images of the saints* (*divorum statuas*), priests, and monks.

IBID. p. 186.—*Laws of king Alfred the Great,* A. D. 876.[d]

The preface to these laws commences with the *decalogue,* and, from the manner in which it is mutilated, it is evident that the worship of images *at this time* prevailed in the Anglo-Saxon church: for the second commandment is omitted in its proper place, so that the third commandment stands for the second; and at the end of all, by way of making up the number ten, there is this command-

[b] Spelm. i. 218. [c] Hist. b. i. c. 25. [d] Text. Roffens.

ment, "*Thou shalt not make to thyself golden or silver gods,*" (*deos aureos et argenteos ne facito*). Alfred contented himself with cropping and docking the commandment, and thrusting it into another place; but modern Romanists omit it altogether, and divide the tenth commandment into two parts, in order to complete the number ten: thus, "IX. Thou shalt not covet thy neighbour's house;" and "X. Thou shalt not covet thy neighbour's wife or his property." It is worthy of remark, that in a work of St. Patrick's, "*De Unitate Subditorum,*" the decalogue contains the second commandment in its proper place, and transcribed at length: "*Habentur inferius* (says Spelman, i. 54) *decem mandata ut a Mose traduntur, non omisso secundo illo de sculptile.*"

WILK. i. p. 272.—*Capitula made in the reign of Æthelred,* A.D. 994.

Cap. XXIII. Let each of the christian laity pray at least twice a-day; and after he hath worshipped his Creator alone, let him invoke God's saints, and pray to them to intercede with God for him; first the holy Mary, and (then) all God's saints; and let those who can go to the church do this there.

Cap. XXIX. Ye ought to admonish your parishioners how they ought to pray. After the creed, &c. let them say the Lord's prayer; and then, *if place and time permit,* let him invoke St. Mary, &c., and then arm his forehead with the sign of the cross.

IBID. p. 299. In the charter of king Canute, granted to the abbey at Glastonbury, A.D. 1032, it is said, that "whosoever shall observe and respect this charter, God, *through the intercession of Mary the mother of God, and all the saints,* will augment his portion in the land of the living. The grant of this privilege was written and promulgated *in the wooden church,* and in the presence of king Canute." (Malmsbury '*de gestis regum.*')

Note. About this time the invocation of the saints was as common in England as it is among modern Roman Catholics: in proof of which, Wilkins[e] cites a Latin and Saxon MS. Prayer-book in the University Library at Cambridge; in which, after the invocation of the blessed Trinity, the litany contains the following supplications: *Sancta Maria, ora pro nobis; Sancta Dei Genetrix, ora pro nobis; Sancta Virgo Virginum, ora pro nobis;* after which the archangels, angels, apostles, martyrs, &c. are invoked. That at one period the Anglo-Saxon church was more orthodox in this respect, is evident not only from the negative argument of *silence,* but from the homily appointed to be read in all the churches upon the first Sunday in Lent, by public authority, in which there occurs the following passage: "*Get thee behind me, Satan:* it is written, man shall worship the Lord, and him only shall he serve. It is written in the old law that no man should pray to any thing but God alone, because no creature is worthy of that honour, but he alone who is the maker of all things: *to him only we ought to pray.* He only is very Lord and very God. We desire the intercession of holy men that they will intercede for us to their Lord and our Lord; nevertheless, we

[e] In a note at the bottom of p. 299.

do not pray to them as we do to God, nor will they suffer it,—as the angel said to John the apostle, *See thou do it not.*"[f] It is also observable, that in the *Penitentials* of Ecgbert and Dunstan, (A.D. 750 and A.D. 963,) among the prayers appointed to be used for the commutation of penance, no mention is made of *Ave-Marias*, or prayers to any of the saints. And from the latter, *Cap.* v., it is clear that the modern custom of confessing to saints and angels had not been introduced in the *tenth* century into the English church.[g]

WILK. i. p. 693.—*Constit. of Richard, Bp. of Chichester*, A.D. 1246.

Let the laity be admonished by their priest to learn the Lord's prayer, the Apostles' creed, and *the salutation of the blessed Virgin.*

Note. In Anglo-Saxon times the laity were only required to learn the creed and the Lord's prayer.[h] The worship of the saints, however, now formed an indispensable part of devotion.

IBID. p. 713.—*Constit. of Giles de Bridport, Bp. of Sarum*, A.D. 1256.

Also on the day of (*our Saviour's passion*) all the parishioners shall come to worship the cross, and to offer according to their inclination. And let no person presume to receive the body of Christ on Easter-day, unless he shall have first confessed and adored the cross.

Note. The following rubric occurs in the Roman missal in the office for Good-Friday. "*Then let the priest by himself carry the crucifix to a place prepared before the altar, and bowing his knees fix it there: then taking off his shoes let him approach to adore the cross, bowing his knees thrice before it, and then let him kiss it. Having done so, let him return and resume his shoes and his chasuble. Then let the ministers of the altar, and afterwards other clerks and laics, approach two and two, and adore the cross, with three genuflexions.*"

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WILK. ii. 423.—*Mandate of William Grenefeld, Archbishop of York*, A.D. 1313.

It hath lately come to our ears that there is a great resort of ignorant persons to a certain image of the blessed Virgin, lately placed in the parish church of Foston, as if the divine power resided more in it than in other images of the same kind; and thus these simple persons, by such a concourse, may be easily led to idolatry and error.....Wherefore, on every Lord's day and festival, you shall publicly prohibit by our authority all our parishioners, whether clergy or laity, from resorting in future to the said church for the worship of the said image, or from offering oblations either in money or goods in its honour.

Note. In the beginning of the mandate he instances the case of the brazen serpent formed by the command of God to heal the Israelites, yet very properly broken by king Hezekiah to prevent idolatry.

[f] Elstob's Anglo-Saxon Homily, p. xlv.
[g] Wilk. i. 230.
[h] Wilk. i 146.

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WILK. iii. p. 636.—*Order for the canonization of a saint*, A.D. 1494.

In the preamble it is stated, that the Pope alone has the power of canonizing a saint; that he is not to do so till he has been frequently and earnestly supplicated; that holiness of life is not a sufficient qualification without miracles; and that if it be a delusion, it is probable that miracles cannot be continued for above forty days. It is also stated, that all canonized saints are to be venerated, and that even if the church should err in canonizing a saint, nevertheless the prayers which are offered up in honour of such a person are pleasing and acceptable unto God; for by faith in Christ all things are purified. The ceremony was to be performed with great pomp on a temporary altar, erected in the middle of St. Peter's, the Pope being assisted by his cardinals. The oblations were to be four large ornamented loaves and four barrels of wine; a painted box containing several white doves, of which one at least can fly away; another similar box full of living birds, and several wax candles. Besides the expenses of the ceremony, the fees amounted to eight hundred and forty-eight ducats.

§ III.—ON ECCLESIASTICAL VESTMENTS, AND THE FURNITURE OF CHURCHES.

WILK. CONCIL. I. p. 111.—*Excerptions of Ecgbert, Archbishop of York*, A.D. 750.

Ex. 154. If a clerk shall be seen in the church without his colobium or his cope, and if he clip not his hair and beard after the Roman fashion, let him be excommunicated.

IBID. p. 291.—*Provisions of the Wisemen at Engsham, (Oxfordshire) under Æthelred*, A.D. 1009.

Cap. XXVIII. If any pecuniary compensation shall arise out of a mulct for sins committed against God, this ought to be applied, according to the discretion of the bishop, to the purchasing of prayers, the relief of the poor, the repair of the churches, the instruction, clothing, and food of those who serve God, and also to the purchase of books, bells, and ecclesiastical vestments, and never to any worldly vanities.

IBID. p. 623.—*Constitutions of William de Bleys*, A.D. 1229.

Cap. II. In every church let there be *two* sets of vestments for the altar, (with two pair of *corporals* and one rochet): viz. one for festivals, and the other for ordinary occasions, in which (*latter*) the priest is to be buried, if necessary. Let there be *two* altar palls, one for festivals, and the other for ordinary occasions; also three linen cloths (*for the top of the altar*), one of which at least has been consecrated; two chalices, viz. one of silver, to be used at mass, the other unconsecrated and made of tin, with which the priest is to be

buried; two pyxes, viz. one of silver or ivory, *vel de opere lemonitico*, for the host; the other neat and clean, for the purpose of receiving oblations. Let there be also two vessels, one for wine, and the other for water; one pair of candelabra; one censer; a neat *chrismatory;* and two crucifixes, one for processions, and the other for the obsequies of the dead.

WILK. i. p. 714.—*Constitution of Giles de Bridport, Bishop of Sarum,* A.D. 1256.

The parson ought to provide that the chancel be neat and well covered, and also (*all things relating to*) the altar; that the chrismatory be kept under lock and key, and that the corporals be made of fine linen cloth. Let him also provide proper phials for the wine and water; a censer, and candlesticks; also a lantern and a bell, to be carried before the priest when he visits the sick. He ought also to provide two processional lights; and if it should happen that the chalice, or books, or vestments should be stolen, the parson, vicar, chaplain, or any person through whose negligence they have been taken away, shall replace them.

The parishioners ought to provide that the (*nave of the*) church be neat and well covered, and also the belfry; and they are bound to find bells with ropes, a crucifix, crosses, images, a silver chalice, a missal, a chasuble made of silk, sufficient books, and all vestments belonging to the altar. Let them also provide a standard (*for rogations*), a lenten veil, a neat font with a lock, and bells to be carried before a funeral. Let them also provide that the burial-ground be properly walled in, and free from nettles and other noxious weeds.

The parishioners are also bound to provide the paschal lights, and other lights in the chancel; and a sufficient number of candles for the whole year, at matins, vespers, and mass. They ought also to provide *blessed bread,* with candles, every Sunday throughout the year.

Note. Blessed bread here does not mean that of the eucharist, but bread consecrated by prayer, "*that it may be for the health of the soul and body of the receiver.*" The ancient *eulogiæ* were loaves made out of the same dough as the eucharist, and were commonly sent to those who could not attend at the Lord's supper.

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WILK. II. p. 280.—*Constitution of Archbishop Winchelsey,* A.D. 1305.

That the parishioners of all the churches in our province of Canterbury may, for the future, know certainly what repairs belong to them, we will and decree that the parishioners shall be bound to provide all the things which follow: viz.

A legend, antiphonary, grail, psalter, troper, ordinal, manual, and *missal.*

Also *a chalice, a principal vestment,* with *a chasuble, a dalmatic, a tunic, a choral cope,* with all its appendages, (viz. an *albe, amyt, stole, maniple,* and *girdle*).

A frontal for the high altar, with *three towels*, (two of which have been consecrated); *three surplices*, one rochet, a processional cross, and another for the dead; a *censer* with the boat (*nave*) and incense, a *lantern* with a bell, (to be carried before the body of Christ in the visitation of the sick), a decent pyx for the body of Christ, a *lenten veil*, standards for rogations, hand-bells for the dead, a bier, a vessel for holy water, *tablets of peace for the osculatory*, a candelabrum for the paschal light, a belfry with bells and ropes, a font with a lock, the images in the (*body of the*) church, the principal image in the chancel, the enclosure of the burial-ground, the repair of the nave of the church both within and without, also the repair of the altar, images, glass-windows, books, and vestments.

The repair of the chancel both within and without, as well as all things which are not expressed here, shall, according to various approved constitutions and customs, belong to the rector or vicar of the place.

§ IV.—ON LITURGIES.

Concilia Magnæ Britanniæ, &c., Edit. Wilkins, Vol. I.

Bede's Eccl. Hist. i. p. 27.—*The Answers of Pope Gregory to Augustin*, A.D. 601.

Q. 3. Since there is but one faith, why are there such different customs in different churches, so that there is one mode of celebrating mass in the holy Roman church, and another in the Gallican church?

A. Your brotherhood knows the custom of the Roman church; but it is my desire, that wherever you find anything which may be more pleasing to Almighty God, whether in the Roman or Gallican churches, or in any other, you carefully choose it and introduce it into the English church.

Wilkins' Concil. i. p. 96.—*Cuthbert's canons at Cloves-Hoo*, A.D. 747.[1]

Can. 11. That all presbyters perform every priestly ministration in one and the same manner, in baptizing, teaching, and judging, (i.e. *in the confessional*).

Can. 12. That presbyters prate not in the church like secular poets, nor injure the sense of the sacred words by a tragic rant, but use a simple and sacred chant according to the custom of the church.

Can. 13. That the holy festivals, in all things pertaining to them, *i.e.* in the rite of baptism, the celebration of the mass, and the mode of chanting, be solemnized according to the written form which we have received from the Roman church; and also that during the entire year the birthdays of the saints be celebrated according to the martyrology of the aforesaid Roman church.

Note. The *Natalitia* or birthdays of the saints were the anniversaries of their death or martyrdom.

[1] See p. 208.

Can. 15. That the seven canonical hours by day and night be carefully observed, with psalmody and appropriate chants (*cantilenâ*).

Can. 16. That the litanies or rogations be performed at the proper seasons by the clergy and people with great devotion, *i.e.* on the seventh day of the calends of May, *according to the rites of the Romish church;* and also *according to the custom of our ancestors,* three days before our Lord's ascension, with fasting till the ninth hour and the celebration of mass; without any vain observances, such as horse-racing or banqueting. Let the relics of the saints be displayed, the people reverently kneeling.

Note. The ROGATIONS were anciently solemn religious processions, in which the priest and people, chanting the litany, perambulated the bounds of the parish, imploring a fruitful season; and every parish had usually a standard for such occasions, with the patron saint of the church painted upon it. In one of archbishop Winchelsey's constitutions, (A. D. 1305,) mention is made of these "*vexilla pro rogationibus.*" The rogation procession was in some instances continued even after the Reformation, and a homily was provided for it by the reformers, which still stands in the *Book of Homilies.* Rogation Sunday was the fifth Sunday after Easter.

Can. 27. Although a man, when he sings psalms, may not understand the Latin words, he ought nevertheless to apply the intentions of his heart to those things which at the time being he ought to pray to God for. When the psalmody is completed, bowing the knees in prayer, they say in the Latin language, or those who have not learned it, in their native Saxon, "*Lord, have mercy upon him,*" &c., or that prayer for the dead, "*O Lord, according to thy great mercy grant rest to his soul, and deign to grant him the joys of everlasting light with thy saints.*"

Note. From these canons it is I think evident, that up to this period the Roman liturgy had not been universally received in England: for if it had, there would have been no occasion for *Can.* 11, which enjoins uniformity; or for *Can.* 13, which orders the English clergy to use the Roman ritual and martyrology. *Can.* 16 expressly makes a distinction between "*the rites of the Roman church*" and "*the custom of our ancestors.*"

WILK. i. p. 228.—*Canons made in king Edgar's reign,* A.D. 960.

Can. 48. That all priests be unanimous respecting festivals and fasts, and that they all pray in the same manner, that they lead not the people astray. See also *Can.* 50.

IBID. p. 252.—*Ælfric's canons to Wulfinus, a bishop,* A.D. 970.

Can. 21. Let (*priests*) possess the weapons of their spiritual warfare before they are ordained, *i.e.* the holy books: viz. 1. the Psalter; 2. the Book of Epistles; 3. the Book of Gospels; 4. the Missal; 5. the Book of Canticles (*Antiphonary*); 6. the Manual; 7. the Kalendar (*Numerale*); 8. the Passional; 9. the Penitential; and 10. the Lectionary. A priest hath need of these books, and

cannot be without them if he will rightly exercise his function, and let him take care that they be well written.

Wilk. i. p. 626.—*Constitutions of William de Bleys*, A.D. 1229.

Cap. xx. That the rectors of churches have their books corrected, for by reason of falsified books many indecent things are read in the church.

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§ V.—ON THE BURIAL OF THE DEAD, OBLATIONS, MORTUARIES, &c.

Concilia Magnæ Britanniæ, &c., Edit. Wilkins, Vol. I.

Wilk. i. p. 5.—*Canons of St. Patrick, of uncertain date.*

Cap. xii. *On the oblation of the dead.* Hear what the apostle says: "There is a sin unto death, I do not say that a man should pray for it;" and the Lord says, "Give not that which is holy unto the dogs," for how can the sacrifice help the man after his death, who during his life was not worthy to receive it?

Ibid. p. 112.—*Excerptions of Ecgbert, Abp. of York*, A.D. 750.

Ex. 155. The canons teach, that if a clerk die in battle, no supplication shall be made for him, either by the oblation or by prayer. Let him not however be deprived of burial.

Ibid. p. 122.—*Penitential of Ecgbert, Abp. of York*, A.D. 750.

B. i. *ch.* 36. For a monk, when he is dead, let mass be sung the third day; for a laic, on the third, seventh, or thirtieth, (*according to his piety,*) provided that his friends are willing to answer for him, and to offer at least some gift at the altar for (*the repose of*) his soul. It is a custom among the Romans to bury the body consumpti et mariti hominis(?) in the church, to anoint his breast with the chrism, and to celebrate mass over him, and to carry him to the tomb with psalmody; when he has been placed in the tomb, to cast earth over him: after that, to sing masses for him on the first, the third, the ninth, and the thirtieth days.

Ch. 41. Denys, the Areopagite, said that singing is odious in the sight of God when mass is celebrated for wicked men: but Augustine said that it may be celebrated for all men, whether it be of service to the dead, or to those who pray and freely immolate the victim. Let the man who fasts for the dead take this for his consolation, that if he cannot assist the deceased, God alone knoweth what (sins) he hath committed.

Ibid. p. 171.—*Council of Cealchythe under Wulfred*, A.D. 816.

Cap. x. When any bishop shall depart this life, let the tenth part of all his property be given to the poor: and let every Englishman (of his) who during his lifetime has become a slave be restored to liberty; that thus he may deserve to receive the remission of

sins. And immediately, the bells having been tolled in the churches throughout all the parishes, let all the servants of God assemble at the *cathedral* (*basilicâ*), and there chant together thirty psalms for the soul of the deceased: and afterwards let every bishop and abbot cause six hundred psalms and a hundred and twenty masses to be celebrated, and let him emancipate three men (*slaves*), and give to each of them three shillings. And let all the servants of God fast one day; and for thirty days, after the canonical hours, let them repeat seven rosaries of *Paternosters;* and this having been accomplished, let them be feasted on the thirtieth day after his death, as they are upon the birthday of any of the apostles, &c.

WILK. i. p. 180.—*Laws* (*ecclesiastical*) *of Keneth*, A. D. 840.

Cap. IV. Leave a field in which a man slain by accident is buried, seven years without cultivation.

Cap. V. Let every tomb be esteemed sacred, adorn it with the sign of the cross, and beware that you trample not upon it with your feet.

Cap. VII. and VIII. Let the funeral of an illustrious man, or of one who hath deserved well of the state, be celebrated with a melancholy pomp. Employ (*on such an occasion*) two knights. Let one of them, sitting upon a white horse, and clothed in splendid attire, bear the arms of the deceased; the other being attired in deep mourning, with his face veiled, and sitting upon a black horse. When both of them, preceding the funeral procession, have arrived at the church, let the man (*upon the black horse*), backing his horse to the altar, cry out that "*his master is dead;*" and, the people loading him with curses, let him quickly betake himself to the place from whence he came: then let (*the knight on the white horse*), going straightforward to the altar, offer to the priest the arms and horse of the illustrious dead; a monument being erected to signify that this lord enjoys immortal life and the land of everlasting light. [In process of time, in lieu of the horse and arms, five pounds sterling were delivered as an offering to the priest.]

IBID. p. 211.—*Laws of Howel Dha, king of Wales*, A. D. 943.

Lib. II. c. 8, § 6. The measure of a burial-ground is a lawful acre in length, the extremity of which shall touch the threshold (*of the church*), and surround it on every side.

C. 9, § 3. Appoints twelve pounds to be paid to the lord of Demetia, for the mortuary of an abbot.

HOWEL, p. 37.—*The following law of Howel Dha is not in Wilkins.*

Cap. X. For a fight in a burial-ground, let (*a fine of*) fourteen pounds be paid; if without, (*i. e.* in the asylum,) seven pounds, of which half is to go to the abbot, and the rest to the priest and canons.

WILK. i. p. 227.—*Canons made in king Edgar's reign*, A. D. 960.

Can. 29. That no man be buried in a church, unless it be known that during his life he was well pleasing unto God.

Can. 65. That the priest shall give the eucharist to the sick, and anoint him, *if he desire it;* and after his death let him diligently cover him up, and permit no idle ceremonies to be performed around the body, but let it be decently buried.

Note. Hence it appears that extreme unction was not then considered a sacrament generally necessary to salvation, or the priest would have been directed to exhort the dying man to receive it.

IBID. p. 255.—*Ælfric's canons to Wulfred, a bishop*, A. D. 970.

Can. 35. Ye ought not to make merry over the dead, nor to hunt after the corpse, unless ye be invited to it. Then prevent the laity from using heathenish songs and their boisterous mirth. Do not ye eat or drink where the body lies, lest ye become imitators of the heathenish superstition; and be not gorgeously dressed, but let every one wear what belongs to his order.[k]

IBID. p. 267.—*Capitula made in king Æthelred's reign*, A. D. 994.

Cap. IX. It hath been an ancient custom in this country to bury the dead often within the churches, and thus to make cemeteries of those places which have been consecrated to the worship of God. Now we desire, that from henceforward no man be buried in the church, unless he be of the sacerdotal order, or (*at least*) a holy layman; so that it be known, that by the sanctity of his life he deserved to have his body buried there. We do not, however, wish that bodies which have been formerly buried in the church should be cast forth; but where mounds appear, let them be either buried deeper in the ground, or else let a way be made over them, and let them be brought to a level with the pavement of the church, so that no mounds appear there. But if in any place there should be so many graves that this cannot easily be done, then let those places be used as cemeteries, and let the altar be removed; and there let churches be built where men may offer unto God purely and reverently.

IBID. p. 288.—*Provisions of the Wisemen at Engsham (Oxfordshire), under Æthelred*, A. D. 1009.

Cap. X. Let the *light-scot* be paid thrice a-year; let the *soul-scot* be always solemnly paid at the open grave; and if a corpse be buried out of the proper district, let the *soul-scot* nevertheless be paid to the monastery to which it belongs.

Note. The following offices are directed to be performed by the monks of Christ's church, Canterbury, upon the death of any of their brethren: viz. "seven entire offices; the fifth psalm to be sung for thirty successive days; every priest to sing seven masses; and all the inferior clergy fifty psalms.[l]

[k] Johnson.

[l] Text. Roffens. edit. Hearne, p. 222.

WILK. i. p. 383.—*Council of London, under Archbishop Anselm,* A. D. 1102.

Can. 26. That corpses be not carried for burial out of their own parish, so that the parish priest lose his just dues.

Note. The canon law in this case directed that the corpse should be exhumed, and resigned to the priest to whose parish it belonged.[m]

IBID. p. 473.—*Council of Cashel, in Ireland, under Henry II.* A. D. 1172.

Can. 6. Let every sick person, in the presence of his confessor and neighbours, make a will; and if he have a wife and children, let him divide his personal property into three parts, viz. one for his children, and a second for his lawful wife, and the third for his own obsequies.

Can. 7. That to those who die with a good confession, a proper respect be shown, both by the celebration of masses, &c., and the mode of interment: also that all the divine offices be performed in every respect according to the rites of the holy (*Catholic*) church, and of the church of England.

Note. From this canon it would appear, that before this time either masses for the dead had not been in use in Ireland, or at least that they had been often neglected. It is also evident that the mode of celebrating divine service had not been the same in Ireland as in England and on the continent.

IBID. p. 530.—*Constitutions of Stephen Langton,* A. D. 1209.

Cap. I. We decree, that if among the possessions of a deceased person there be three or more cattle of any description, the best being reserved for him to whom it justly belongs, the second best shall, without fraud or collusion, be given to that church from which he received the sacraments during his life time, as a compensation for any omission of which he may have been guilty in the payment of personal tithes or oblations.

IBID. p. 550.—*Council of Dublin,* A. D. 1217.

That the church shall have her rights from the property of the deceased, after his debts and funeral expenses have been deducted.

IBID. p. 570.—*Constitutions of William de Bleys, Bishop of Worcester,* A. D. 1219.

When a parson, vicar, or ministering priest, shall die, let his death be immediately announced to the dean of the place, who shall make it known to all the mother churches in his deanery, in each of which the bells shall be tolled for the deceased; and every chaplain shall immediately say a *commendation,* and on the following morning a mass for his soul. In the next chapter which is held in that deanery, all the chaplains present shall absolve him by name,

[m] Decr. lib. iii. Tit. 28, c. 5, 6.

singing the psalm "*De profundis.*" The archdeacon of the district shall also announce the event to all the deans in his district, each of whom shall cause the same order to be observed throughout his deanery.

WILK. i. p. 575.—*Council of Durham under Richard, Bishop of Durham,* A. D. 1220.

We strictly prohibit the sale of masses; and that the laity be not obliged to give or leave any thing by will for the celebration of annual or triennial masses. We forbid also priests to load themselves with such a multitude of these annual (*commemorations*) as they cannot honestly accomplish, or which may oblige them to hire other priests for the purpose.

IBID. p. 664.—*Statutes of the diocese of Sodor,* (*Isle of Man,*) A. D. 1239.

In mortuaries let the best animal be given to the church, whether it be a cow, an ox, or a horse, if it be to the value of six shillings or less; also as far as relates to clothes, it shall be at the option of the church whether to receive the clothes or three shillings and sixpence. And if he be a poor man, and pay no mortuary, let the clothes be taken as they are, and also every fifth penny of his personal property, after the payment of his debts, (*de liberis bonis*). When a man pays a mortuary, let the clergyman have his shoes and boots to the value of sixpence, and his hood, hat, or cap, which he used on Christmas-day. Also let him have his shirt, girdle, purse, and knife, each to the value of one penny.

IBID. p. 713.—*Constitution of Giles de Bridport, Bishop of Sarum,* A. D. 1256.

The parson or vicar, upon the death of any landholder, shall receive the second best of his cattle, (*melius averium post dominum*); and if there should not be several cattle, the executors are bound to satisfy the parson from the goods of the deceased, before they administer to his will.

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WILK. II. p. 52.—*Constitution of John Peckham, Archbishop of Canterbury,* A. D. 1281.

Let priests also beware that they oblige not themselves to the celebration of peculiar or family masses, so as to prevent them from discharging their official duties in the church; and let no man presume to undertake the celebration of annals, unless he can, either

in person or by proxy, celebrate (*mass*) every day, specially for the deceased. Moreover, let no (*priest*) undertake the celebration of a greater number of annals than he hath priests to assist him; unless he who procures these devotions should expressly consent that the commemoration of the deceased be joined with others in the same mass: nor let the celebrant imagine that by saying one mass he can make satisfaction for two persons, for each of whom he hath promised to celebrate specially. For although it be said, (*De Consecrat.* dist. v. cap. *Non mediocriter,*) 'that not less benefit is received when one mass is said for all, than when it is said for each person separately,' the canon speaks only of those masses which are said with a contrite heart (*anxiato corde*). God forbid that any catholic should believe, that one mass devoutly celebrated should be as profitable to a thousand men as if a thousand masses had been celebrated in their behalf with equal devotion. For although Christ our sacrifice is of infinite value, he yet does not operate in the sacrament or sacrifice with the greatest plenitude of his immensity; for otherwise a single mass would be sufficient for one dead person.

Note. Annals were masses said every day, for a year, in behalf of a deceased person; *trentals* were said every day for thirty days; and *triennials* every day for three years, or *one thousand and ninety-five masses* celebrated in behalf of the deceased! Roman Catholics believe the mass to be a true propitiatory sacrifice, in which the Lamb of God is as really offered up to the Father as he was upon Mount Calvary: to repeat it thus frequently for the liberation of a single soul from purgatory, was therefore a most execrable profanation, especially if it be considered that it is only celebrated to expiate *venial* sins; for Romanists confess, that out of hell there is no redemption, and that all who are in purgatory will eventually be saved, whether masses are said for them or not. The argument of St. Paul, in the Epistle to the Hebrews, forcibly applies to the question before us. In chap. x. verse 11, he assigns as a reason for the frequent repetition of the Levitical sacrifices *their insufficiency to put away sin,* whereas Christ "by *one* offering hath perfected for ever them that are sanctified."[n] The extent to which this superstitious practice still prevails upon the continent may be seen by the following extract. "I was greatly amused," says Inglis, "by the history of a lawsuit that was then pending, while I was at Alicant. A certain rich proprietor, having died about six months before, left money to the church sufficient to purchase *twelve thousand masses for his soul:* but after a few of these had been said, the masses were discontinued, and the process was brought by the heir to recover the sum left for the masses . . . . . The defence set up was sufficiently singular. Those upon whom the duty of saying these masses devolved, willing to be excused from the labour, interceded with his holiness the Pope, who declared by his sovereign authority, that the celebration of *twelve* masses should have the same effect, and be as beneficial to the soul of the deceased, as the celebration of *twelve thousand!*"[o]

[n] Heb. vii. 27; ix. 12, 26, 28; x. 10, 14, 18.
[o] Spain in 1830, vol. ii. p. 307.

WILK. ii. p. 176.—*Constitutions of the diocese of Sodor*, A.D. 1291.

Cap. XI. We decree, that, according to the custom of all the neighbouring provinces, the church shall have the choice of all (*the cattle*) of the deceased, except one, with all his clothes, and his bed or couch: but if he had not a hat (*biretum*?) or couch, let seven pence be given (*as a mortuary*); and let oblations be made for every dead person according to his means, both in money and candles, in his parish church. And, under the pain of excommunication, we forbid that any corpse be buried in another parish, until mass has been celebrated for the deceased in his parish church.

Cap. XXXI. That those who make not their wills in the presence of a priest shall be considered to have died intestate.

WILK. ii. p. 421, A.D. 1312. Be it known by these presents, that we, the prior and chapter of the church of Canterbury, grant, that five hundred masses shall be celebrated by our fellow-monks in behalf of our lord king Edward and Isabella his queen, now great with child: viz. one hundred and sixty masses *de Spiritu Sancto;* one hundred and sixty masses of the holy Virgin; and a hundred and eighty masses of the glorious martyr St. Thomas. We grant also, in compliance with the devout request of our said lord the king, that within a year from the date of these presents, *three hundred masses* shall be celebrated for the souls of his deceased parents, king Edward and queen Eleanor, and also of the lord Peter de Gaveston, lately deceased. We will, moreover, that their souls shall specially participate in all the prayers and other spiritual benefits which may for ever hereafter be celebrated in this our church of Canterbury.

IBID. p. 505.—*Constitution of Richard, Bishop of Ossory*, A.D. 1320.

Cap. XVI. Some of our subjects, as we have heard, when they are in good health, give all their goods, moveable and immoveable, to others, that they may be able to murder (*their enemies*) without incurring the loss of their goods: others, when they are on the point of death, give away all their possessions that they may defraud the church and their creditors, leaving nothing for themselves by which they may make satisfaction for the rights of the church, or pay their debts; thus cruelly defrauding their own souls, after death, of works of piety and the suffrages of prayer. We therefore decree, that such persons shall not be admitted to christian burial, unless with the special license of the bishop.

IBID. p. 531. *A commission from the Archbishop of Canterbury to the dean of Arches*, A.D. 1326, authorising him to absolve a dead person who had been excommunicated for the nonpayment of tithes, that the body might have christian burial, his wife having born testimony to his repentance before his death. He was to be absolved publicly in the vulgar tongue with the penitential psalm, and all the prayers commonly used at the absolution of deceased persons.

IBID. p. 705.—*Constitution of Archbishop Stratford*, A.D. 1342.

Cap. VII. We decree, by the authority of this present council, that no monks, of what profession soever, shall be executors to last wills, unless with the permission of the ordinary; and that the parish church have its accustomed right out of the portion that especially belongs to the deceased.

Note. The *portion of the deceased* was a part of the property assigned by the ordinary for the benefit of the defunct's soul, which was determined by custom: sometimes, says Lindwood, it was *the whole personal estate*, as when there were neither wife, children, nor parents; sometimes *half*, as when there was a wife surviving, but no children; and where there were both a wife and children, a *third* of his personal property was assigned for the expenses of his funeral and masses. Or the portion of the deceased may signify the legacy left to some religious house where he chose to be buried by his last will, in which case his parish church's share was one-fourth.[p]

Cap. IX. We are grieved to the heart to observe that a most pernicious corruption hath lately sprung up in our province, since the prelates of churches, beneficed clerks, and some of the laity, when they observe probable symptoms of approaching death, give away, or otherwise alienate, the whole of their property, or so large a portion of it, that not only the churches (to the repair of which, or of the chancels, books, or ornaments, they were obliged) are deprived of all remedy, but also the king and their other creditors, &c., are irrecoverably defrauded of their rights. We decree, therefore, that such persons shall be deprived of christian burial, any absolution from the said sentence whatsoever notwithstanding.

Cap. X. An anticipated good often becomes an experienced evil, and then an alteration is advisable. Whereas it hath been a devout custom of the faithful to observe *night-watches* in behalf of the dead, before their burial, and to do it sometimes in private houses, to the intent that the faithful, there meeting together and watching, might devoutly intercede for them with God: but, by the arts of Satan, this wholesome practice of the ancients has degenerated into buffoonery and filthy revels; prayers are neglected, and these watchings have become rendezvous for adulteries, fornications, thefts, &c. Wherefore we ordain, that when the clergy have performed the *exequies* of the dead, none for the future be admitted to the accustomed night-watches in private houses.

Note. The *exequies* were devotions performed in behalf of the deceased, while the corpse remained above ground. In these constitutions, I have adopted Johnson's translation nearly verbatim. And here it may be remarked, that Irish wakes are very similar to the practice condemned in the last chapter.

[p] Lindwood ap. Johnson.

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WILK. iii. p. 566.—*Provincial council of Cashel at Limerick*, A.D. 1453.

Can. 14. That mendicant friars are bound to pay to the parish church a *fourth* part of the goods bequeathed to them by a deceased person.

Can. 42. That when a married person dies, all the property of *both* parties shall be computed in the will, after deducting debts.

Can. 69. Let there be no public whipping of the laity in burial-grounds, contrary to the will of the bishop.

Can. 78. That the ancient custom of the province of Cashel, with respect to the *heriot* of a bishop, be observed, viz. the best ring, cup (*ciphum*), chair, or breviary (*portiforium*), to be paid to the archbishop; or by an inferior prelate to the bishop of the diocese.

Note. The *heriot* was paid as a token of subjection to the feudal lord on the vassal's death, or to the ecclesiastical superior; whereas the mortuary was a compensation for omitted tithes paid to the rector.

Can. 79. That the revenues of a beneficed person, for a year from the day of the incumbent's death, shall belong to his executors.

IBID. p. 739.—*Grievances of the House of Commons against the Clergy*, A.D. 1530.

I. For the excessive fines which ordinaries took for probates of wills; insomuch, that Sir Henry Guilford declared in open parliament of his fidelity, that he and other being executors to Sir William Compton, knight, paid for the probate of his will to the cardinal and the archbishop of Canterbury a thousand marks sterling.

II. The great polling and extreme exaction which the spiritual men used in taking corpse-presents or mortuaries; for the children of the dead should all die for hunger and go a-begging rather than they would of charity give to them the silly cow, which the dead man ought if he had but only one: such was the charity of them.

Note. In the 14th century, Isabel, duchess of York, directed by will, that on the day of her death one hundred trentals and one hundred psalters should be said for her soul, and that at her funeral her best horse should be given as a mortuary.[q] Among the revenues of the church in his time, Tyndal mentions the following, *independently of tithes:* "1. For the probates of wills. 2. The four offering-days in a year, (such as Easter dues, *smoke farthings* at Pentecost, &c.), and also personal tithes; *so that even a servant is obliged to pay the tenth of his wages.* 3. Mortuaries; which usually consisted of a horse or a cow, a bed completely furnished, a gold chain, or one hundred marks. 4. St. Hubert's rent, St. Alban's land, St. Edmond's right, St. Peter's patrimony. 5. For bead-rolls, christenings, churchings, banns, marriage fees, offerings at weddings and funerals, oblations for wax-lights, offerings to images, &c. 6. For confession; yea, and many enjoin the penance of having masses said, exacting a sum of money for that purpose. 7. Soul-masses, dirges, months-minds, peace-minds, All-souls' day, trentals, indulgences. 8. The mother-church and high-altar must

[q] Nicolls, Vet. Test. p. 135.

have something in every will. 9. The oblations at priests' first masses; and no man is professed, of whatever *religion* it be, but he must bring somewhat. 10. Fees to bishops for hallowing, or rather conjuring, churches, altars, vestments, altar-cloths, &c., and also the heavy expenses of books, vestments, &c. provided by the parish. 11. St. Peter's pence. 12. Last of all, what swarms of begging friars are there. The parson sheareth, the vicar shaveth, the parish priest polleth, the friar scrapeth, and the pardoner pareth: we lack but a butcher to pull off the skin."[r] The ordinary price of a mass was anciently fourpence; but if they dealt in the gross, it was forty marks for two thousand.[s]

[r] Tyndal's Works, edit. Russell, 1828, vol. ii. p. 269, &c.
[s] Fosb. Encycl. Antiq. ii. 686.

CHAPTER VI.

ON THE PENITENTIAL DISCIPLINE OF THE ANCIENT ENGLISH—THE TEMPORAL LAWS OF THE ANGLO-SAXONS, &c.—TRIAL BY ORDEAL, AND VARIOUS OTHER OBSOLETE FORMS.

§ 1.—*Venial and Mortal sins.—Attrition.*

That he may the better understand what follows, I must remind the reader that Roman Catholic theologians have always made a distinction between *venial* and *mortal* sins.

The initials of the seven mortal sins are included in the word SALIGIA:[a] — viz. *Superbia* (pride), *Avaritia* (avarice), *Luxuria* (luxury), *Invidia* (envy), *Gula* (gluttony), *Ira* (anger), *Acedia* (recklessness or despair).

These sins, which entail the penalty of everlasting death, are supposed to be fully remitted by the absolution pronounced by the priest in the sacrament of penance, *quoàd culpam*, but not *quoàd pœnam;* for it is believed that a certain *temporal* punishment (proportionate to the nature of the offence) is still entailed upon the penitent, and must be expiated either by *satisfaction* and good works in the present life, or in purgatory hereafter.[b]

According to this doctrine, the salvation wrought for us by the blood of Jesus was neither full nor complete: it was *a commutation of punishment*, and not *a free pardon.*

Although contrition, confession, and satisfaction, are said to be the parts of this alleged sacrament, a *perfect* contrition is by no means deemed an essential qualification for the benefits which it is designed to confer. According to the doctrine of the council of Trent, they may be attained *through the medium of this sacrament* where there is only a servile fear of punishment without any mixture of love. This imperfect repentance is termed by the schoolmen *attrition*, and it has been even a question among them whether an explicit resolution to abstain from sin for the future was to be considered an essential requisite.

The following passages are cited as vouchers for the truth of my statement:

[a] Boudart, Catech. Theol. tom. i. 67.

[b] Schram, iii. 381, &c.

"Cùm contritio perfecta extrà sacramentum pœnitentiæ justificet, ideò non est dispositio necessaria ad sacramentum pœnitentiæ."[c]

"Etiam in articulo mortis, non tenetur quis ad eliciendam contritionem perfectam, si possit suscipere sacramentum pœnitentiæ, vi præcepti pœnitentiæ."[d]

"*Attritio* est dolor de peccatis, qui vel ex turpitudinis peccati consideratione, vel ex Gehennæ, vel pœnarum metu communitèr concipitur. *Contritio* oritur ex timore filiali; *attritio* ex servile. *Contritio* (denique) nunquam est sine charitate et gratiâ, sed *attritio* potest esse sine his cum auxilio speciali."[e]

"Quæritur in scholis an ad veram contritionem, *formale* et *explicitum* propositum non peccandi de cætero requiratur, an verò virtuale et implicitum sufficiat."[f]

In the Church of Rome absolution is pronounced before satisfaction, and a man being thus freed from the penalty of eternal death may deliberately choose whether he will make restitution in the present life, or undergo the *temporal* punishment of his crime in purgatory hereafter.[g]

Turlot proposes the following question:—"Quibus similes sunt illi qui in hac vitâ negligunt pœnitentiam agere, *præeligentes in purgatorio pœnas dare?*" and his answer to it, which is a fearful exposition of the doctrine of purgatory (*the horrors of which are circumstantially detailed in a legend*) would be sufficiently discouraging to any one who could bring himself to believe that doctrine, yet felt inclined to make such an experiment: but the same writer has assured us, *in the very same page*, that the living may make satisfaction for the dead, assist them by their prayers, and commute their penalties;[h] and any person who is conversant with the theology of his church must be aware that there are sundry means and appliances to shorten the road from purgatory to heaven. Masses for the dead have been at all times marketable commodities, sold at the rate of about two shillings apiece;[i] and in Roman Catholic states a wealthy profligate frequently ends a life of selfish enjoyment by making his soul his heir. *Indulgences* will be considered hereafter. *Venial sins* differ from those which are *mortal* rather in degree than in kind. They bear towards each other the same relation that a pilferer does to a thief, the "*parvitas materiæ*" being the recognized distinction between them.

Those who are guilty of venial sins are never obliged to confess them to a priest: for according to S. Thomas Aquinas[j] they are compendiously remitted by the recital of the Lord's Prayer, by the general confession made during the celebration of mass, or by the aspersion of holy water.

[c] Tom. iii. cap. xvii. § 1061.
[d] Ibid. Schol. 2.
[e] Turlot, Thesaur. p. 753.
[f] Schram, ibid. § 1059, Schol.
[g] Schram, tom. iii. p. 395, § 1078, Schol. 1.
[h] Turlot, Thesaur. pp. 795, 796.
[i] Diocesan Statutes of the Province of Leinster.
[j] Apud Boudart, Theol. Cat. tom. ii. p. 24. See also Turlot, p. 466.

The following passage has been translated from Boudart:

"*Q.* Prove that many venial sins cannot constitute one mortal sin.

"*A.* It is evident from the practice of the Church, according to which no venial sins, however often repeated, need be confessed.

"*Q.* Is it then possible for many venial thefts to constitute at length one mortal theft?

"*A.* No, unless there was an intention from the beginning of stealing a large sum of money."[k]

§ 2. *The Lax Morality of the Confessional.*

"BY THEIR FRUITS YE SHALL KNOW THEM," is an infallible test given to us by the Son of God himself,[l] nor can we expect a pure system of morality where we find a corrupt faith. Accordingly, the schoolmen and casuists of the Church of Rome have, by their mischievous ingenuity, lowered the standard of obedience, teaching men how nearly they may approach to the confines of guilt without incurring its penalty: and the practical result of these principles has been such as we might naturally expect; for men do not "GATHER GRAPES FROM THORNS, OR FIGS FROM THISTLES."

The evidence which I am about to lay before the reader has been carefully selected by myself from the works of the most celebrated casuists and divines of that church, *invariably published by authority*, and in most instances used as text-books in the theological seminaries and universities throughout Ireland, and France, and Italy, and Spain.

To exhibit at a glance the extent of the evil, and to classify my materials, I shall follow the order of the decalogue, collating the principles of these casuists as we go along with their practical results in Ireland and upon the continent.[m]

I. THOU SHALT HAVE NONE OTHER GODS BUT ME.

"It is questioned whether God ought to be loved intensively above all things. Wiggers, Sylvius, Billuart, &c. deny it, but Steyart, Daelman, Dannes, &c. affirm it, as I think with greater probability."[n]

"All outward marks of reverence except sacrifice are common to God and to his creatures, &c."[o]

¶ "Shocking as it may appear, I am sure I do not exaggerate when I say, that throughout Italy, Spain, &c., *for one knee bent to God, thousands are bowed before the shrine of the Virgin and the saints.*"[p]

[k] Catech. Theol. Lovanii, 1700, tom. i. p. 57. [l] Matt. vii 16.

[m] The illustrations from travellers will be distinguished by the mark ¶ before them.

[n] Dens, Theol. tom. ii. p. 217, num. 136.

[o] Turlot, p. 512. See above, p. 262, &c.

[p] Rome in the 19th Century. Edinb. 1826, vol. i. p. 22, &c.

II. THOU SHALT NOT MAKE TO THYSELF ANY GRAVEN IMAGE, &c.

"God the Father is usually represented as an aged man with a white beard, to signify his eternity and providence."[q]

"The images of Christ, of the mother of God ever a virgin, and of the other saints, are to be had and retained, and due honour and veneration is to be paid to them."[r]

"Beyond all doubt the honour and veneration which we render before an image in some way terminates in the image.....We kiss images, we carry them (in procession), we place them in an honourable position, we uncover our heads, bend our knees, and fall down before them, with other marks of reverence."[s]

¶ "Above the altar (of Florence cathedral) the statue of God himself, the Eternal Father, was pointed out to me sitting behind some candlesticks."[t]

"The huge bronze statue of St. Peter (at Rome) was dressed in full canonicals, in honour of the saint's anniversary.....Several (of the devout) were kissing the toes, which are literally worn away by the lips of devotees,—*yet this statue was made to represent Jupiter Ammon!*"[u]

"July 8th. Went to the church of St. Augustine at Rome, to see the image of the miraculous Virgin. As a work of art it has but little merit, but it is the idol of the true believer. Multitudes were entering and kneeling before the image, then devoutly kissing the toes which are nearly worn away. All this reminded me of the Hindoo idols I have seen in India. I recollect visiting a huge and hideous figure in a temple on the river Ganges below Benares ... Where is the difference between the two scenes? the idolatry is the same in both."[v]

III. THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN.

"Concerning a promissory oath, it is to be observed that it can have no necessary obligation unless it proceed from the intention of him who swears it: for an oath without (such) intention is no oath at all, and therefore not binding."[w]

"It appears then to be the common opinion (of divines) that a simulated oath, made with a just and prudent equivocation, is not binding.....I say then, in the first place, that when he who swears attaches a different meaning to the words of the oath from that in which it is administered, using a prudent equivocation (utens prudenti *amphibologia*), and not doing injustice to the other, he is only bound by the oath according to his own intention."[x]

[q] Turlot, p. 16.
[r] Concil. Trident. sessio xxv.
[s] Turlot, Thesaur. p. 512.
[t] Rome in the 19th Cent., ubi supra.
[u] Cumming's Notes of a Wanderer, vol. i. p. 54.
[v] Ibid. p. 71.
[w] Suarez, Op. edit. Mogunt. 1623, tom. ii. p 323.
[x] Ibid. p. 331.

"The following are not oaths: 'by my faith,' 'by the faith of a Christian,' &c. Concerning the forms, 'so help me God,' 'by God,' 'I speak in the presence of God,' 'God knows that I speak the truth,' there are various opinions (as to whether they are oaths or not); but I think that it must depend upon the intention of the person who uses them."[y]

"It is not a mortal sin if you swear falsely as far as regards the words of the oath, but according to the intention of him who administers it." "Nor is it a mortal sin to break a promise which has been confirmed by an oath when it relates to a matter of trifling importance."[z]

"A bishop may dispense with the obligation of oaths which have not been specially reserved to the jurisdiction of the Pope whether by law or custom."[a]

"It is to be noted that blasphemy is not always a mortal sin; for sometimes it arises from inadvertence."[b]

"Blasphemos dicas qui jurant per pudenda membra Christi. Jurare (autem) per honesta membra Christi non est blasphemia."[c]

"No perjury is a mortal sin which is committed without deliberation."[d]

"A wife who is compelled by her husband to swear that she will speak the truth, although she be really an adultress, may say '*I am not*,' making the mental reservation '*that I should tell you about it;*' or that she is not *now* an adultress, as her sin has been cancelled by confession and (the sacrament of) penance. She may therefore (lawfully swear) that she is not guilty of the sin of adultery, inasmuch as she believes this to be morally true after confession."[e]

A confessor, if he should be questioned as to what has been revealed to him in the confessional, "may swear before a judge that he knows nothing about the criminal's guilt: for *as a man* he knows nothing about it, and only knows it as he is God's vicar," ("quia reverà ut homo nescit et tantùm scit ut vicarius Dei").[f]

"That the church has a power of relaxing vows and oaths is clear from the general concession made by Christ, (Matt. xvi.)."[g]

"He who has a power of dispensation as far as regards his (spiritual) subjects, may dispense in his own case, inasmuch as he is a member of the same community, and (ought not to be) in a worse condition than his subjects."[h]

"*Q.* Does he swear who says '*God knoweth that I speak the truth*'?

y Aphorismi Confessariorum ex Doctorum Sententiis Collecti, auctore Emmanuel Sa. Parisiis, 1599, p. 363.
z Ibid. pp. 364, 365.
a Ibid. circa p. 370.
b Toleti Instr. Sacerdotum Rothomagi, 1619, lib. iv. c. 13, circa p. 626.
c Ibid. p. 630, lib. iv. c. 14.
d Sayrii Clavis Regia Sacerdotum Westfalliæ, 1628, lib. v. c. 4, num. 16.
e Ibid. lib. v. c. 4, num. 24, circa p. 255.
f Schram, tom. iii. c. 17, § 1101, Corollarum.
g Dens, Theol. Tract. de Legibus, num. 63, p. 346, Dubl. 1832, tom. ii.
h Ibid. num. 64, p. 347.

"*R.* I reply, Sylvius and Suarez distinguish between these words if they are merely spoken *enunciativè* or *simpliciter affirmativè*, in which cases they amount not to an oath, being a simple declaration that God knoweth all things: but that if a man says them *invocativè*, calling God to witness, who knoweth all things, it is really an oath. Navarre says that the words, '*God knoweth whether I speak the truth,*' do not contain an oath."[i]

"*Q.* To whom belongs the power of dispensing with an oath?

"*R.* Principally to the supreme Pontiff.....but not without reasonable cause.....By ordinary right it belongs also to bishops, but not to parish priests."[j]

¶ "It will be easily seen, from what I have said, that I found ample confirmation of what I had often heard—the small regard for veracity among the Irish peasantry, and their general disregard of an oath. To save a relative from punishment, or to punish any one who has injured a relation, an Irish peasant will swear anything."[k]

"Anything may be proved at Naples: for witnesses regularly attend the courts to be hired to swear to any fact."[l]

IV. REMEMBER THAT THOU KEEP HOLY THE SABBATH-DAY.

"The observance of the Lord's-day is not a law of God (as some imagine), but an ecclesiastical precept, and a (laudable) custom of the faithful."[m]

"*Q.* What is to be considered a sufficiently notable violation of this commandment to constitute a mortal sin?

"*R.* Bonacina and Collet consider a servile labour continued for *one hour* a 'MATERIA GRAVIS.' Marchantius mentions *three hours*, but La Croix specifies *two hours*, and this is the opinion generally received. But I think, with Suarez, that the *quality* of the work ought to be attended to, so that if it be a very laborious a less, and if very easy a greater time may be required" (to constitute a mortal sin).[n]

Read also Tolet's *Instructio Sacerdotum*, lib. iv., cap. 25, *per tot.* Edit. Rottomagi, 1619, p. 688, &c.

¶ "I passed a Sunday at Thomastown ... the shops were crowded after mass. All the country people who had money flocked into the stores to buy some little thing."[o]

"Yesterday at the (English) ambassador's chapel (Paris), the voice of the minister was occasionally drowned by the sound of a hammer of a neighbouring blacksmith; and in the Roman Catholic churches it is by no means unusual for the priest to stop the service for a few minutes until the noise in the street, caused by persons

[i] Dens, Theol. Tract. de Legibus, num. 132, tom. iv. p. 159.
[j] Ibid. num. 177, p. 215.
[k] Inglis's Ireland in 1834, Lond. 1834, vol. i. p. 284.
[l] Rome in the 19th Cent. vol. iii. p. 220.
[m] Tolet, ubi supra, lib iv. c. 25, p 691.
[n] Dens, ubi supra, tom. ii num. 82, p. 379. [o] Ireland in 1834, vol. i. p. 81.

who pursue their daily calling, has passed away. I have been in a church while a mountebank was getting up his exhibition on the outside, ready for the congregation on leaving the sacred edifice."[p]

V. HONOUR THY FATHER AND THY MOTHER, &c.

"A son may denounce his father (to the Inquisition) if he be a heretic, but he is not bound to do it unless there be a danger of perverting others."[q] "A man may slay his father in defence of his country."[r]

VI. THOU SHALT DO NO MURDER.

"If any one shall have committed adultery or murder, reflecting only imperfectly or superficially upon the enormity of his crime, *the sin is merely venial*, though the acts themselves be most atrocious. This is evident, because a knowledge of the wickedness of an action is essential to make it sinful: thus, in order to be guilty of mortal sin, a man must not only have a full knowledge of its wickedness, but he must also duly consider it while he is committing the crime."[s] "He who causes abortion before the quickening of the child (*i.e.* before the fortieth day), although he sins grievously, is not yet disqualified by irregularity (from receiving holy orders); for that which is not as yet quickened is not as yet a man, and so he who causes the abortion is not a murderer."[t]

"*Note.* If there be any doubt whether or no the fœtus was alive, it ought to be submitted to the decision of the Pope. Xystus V. decided that he who caused abortion was irregular (*i.e.* incapable of orders); but this irregularity was annulled by Gregory XIV. According to Xystus, *he* was irregular who gave medicine to a woman to prevent her from conceiving; but this irregularity was also taken away by (Pope) Gregory."[u]

"*Note.* '*Before the fortieth day*,' *i.e.* if it be a male fœtus, for a female is quickened about the eightieth day."[v]

"The penalties imposed by Pope Sixtus V. upon those who procure abortion are only in force if the fœtus should be alive."[w]

"*Q.* May heretics be compelled to return to the church?

"*R.* By all means, inasmuch as they belong to the jurisdiction of the church, and may be punished by her, and are condemned by (her) anathema.

"*Q.* What if they should prove obstinate, may they be slain?

"*R.* Clearly, for thus are we taught by the holy Scriptures and the orthodox fathers."[x]

p Paris Corresp. of the Globe, Morning Post, April 3, 1840.
q Aphorismi Confessariorum, ubi supra, p. 284.
r Ibid. p. 288.
s De Rhodes, Theologie Scholastique, tom. i. p. 3.
t Tolet, ubi supra, p. 311.
u Ibid. p. 313.
v Ibid. p. 313.
w Aphorismi Confess. ubi supra, p. 285.
x Turlot, Thesaur. p. 194.

"*Q.* What is the lot of heretics after death?

"*R.* They are condemned to the eternal fire of hell."[y]

¶ "The most numerous class of cases at most Irish assizes, is homicides committed at fairs. There were many of these prosecutions at the Ennis assizes; and although I had already heard much about these factions, I had no conception of the extent of the evil nor of the bitterness with which it is attended.....A ruffian may be occasionally found in England who would flay a man alive to become possessed of his purse; but I greatly question whether out of Ireland *fifty* men could be found in any one parish, ready to beat one another's brains out with sticks and stones, and all but glorying in the deed."[z]

The brigands of Italy and Spain are devout worshippers of the blessed Virgin and the saints, yet continually steep their hands in the blood of their fellow-creatures![a]

VII. THOU SHALT NOT COMMIT ADULTERY.

"Non est adulterium si maritus aliquam solutam cognoscit."[b]

"Quamvis sit mortale peccatum fornicatio, *in duobus tamen casibus potest non esse peccatum* (!).....Similiter, si ebrius non compos rationis id faceret non peccaret."[c]

"Puellam vi oppressam non teneri ad clamandum, ait Soto: existimat enim sufficere non consentire."[d]

"Alterum peccatum est inordinatus concubitus, cùm nempe fœmina in copulâ est desuper aut cum mas retrò accedit, vase non mutato. .....Inter conjuges non est mortale, nisi sit periculum seminis effusionis extra vas."[e]

"Qui duas sorores cognovit turpitèr, alteram secundùm naturam alteram contra naturam, non inficitur incæstu."[f]

"Mulieres accepta a religiosis professis ob turpem actum tenentur monasterio restituere, etiamsi quod acceptum datum fuerit religiosis a sæcularibus ad quoslibet usus: monasterio enim monachus acquirit quicquid acquirit. Monasterium tamen ex rationabili causâ, vel ob paupertatem meretricis, *vel ne religiosus infamiâ afficiatur*, condonare potest acceptum ab eâ."[g]

"Peccatum fuisse cum filiâ confessionis non est necessariò explicandum (etsi quidam putant) non est enim id incæstus."[h]

"Non tenetur quis vitare alterius osculum libidinosum si non potest sine scandalo."[i]

"Potest et fœmina quæque *et mas* pro turpi corporis usu pretium accipere et petere, et qui promisit tenetur solvere."[j]

y Turlot, Thesaurus, p. 195.
z Inglis's Ireland, i. 282, 293.
a Rome in the 19th Century, vol. iii. p. 406—415.
b Summa Cardinalis Hostiensis, Lugd. 1517, fol. 433.
c Tolet, ubi supra, lib. v. c. 10, p. 757.
d Ibid. p. 759.
e Ibid. c. 13, p. 772.
f Ibid. p. 775.
g Ibid. c. 19, p. 795.
h Aphorismi Confess. p 91.
i Aphorismi Confess. p. 400.
j Ibid. p. 400.

"Permitti quidem possunt peccata minora ut vitentur graviora: sic enim *permittitur* meretricium ne fiant adulteria."[k]

"Martinus de Magistris docet fornicationem esse levius peccatum furto. Ratio ejus est quia furtum est per se et intrinsicè malum, fornicatio autem simplex non est de se mala et peccatum mortale, sed solùm est mala quia prohibita est lege positivâ Divinâ."[l]

"Peccatum in genere suo *mortale* potest fieri *veniale* duobus modis: primò ex parvitate materiæ, secundo ex imperfectâ deliberatione."[m]

"Communitèr dicitur quòd pro simplici fornicatione quis (clericus) deponi non debet *cùm pauci sine illo vitio inveniantur*."[n]

¶ "I will not say that the system of *cavalieri serventi* is *universal* in Italy. There is no rule without an exception; but after a two years' residence in Italy, and a very general acquaintance among the Italians, I have known few without them, except brides who have not yet chosen them, or aged ladies who have lost them. In the past, present, or future tense *cavalieri serventi* are common to them all: but whatever may be our opinion of the nature of this connection, and of the virtue of the fair Italians, *that of their own countrywomen*, as well as of all the foreigners of all nations whom I have heard speak of them, *is undeviating as to their general frailty*. Indeed, to do them justice, *the very pretence of virtue is often wanting;* and such is the general toleration of vice, that no extremes of licentiousness, however open, exclude a woman from the society in which her rank entitles her to move." With respect to the middling and lower classes, "their virtue I fear cannot be much boasted of; and, like their superiors, few are without their lovers and their intrigues."[o]

"Munich is at least not worse than Vienna, for nothing can be worse. From a statement in the *Hamburgh Correspondent*, in May 1821, it appears that 304 legitimate children were born in Munich in the first three months of the year, and 307 *illegitimate children!* If to the acknowledged we add those of the *ostensibly* legitimate, who have no other claim to the title than the maxim, '*pater est quem nuptiæ demonstrant*,' what a result comes out as to the morality of these capitals![p]

VIII. THOU SHALT NOT STEAL.

"He is not guilty of theft who steals under the pressure of urgent necessity."[q]

"He is not bound to make restitution who has been equally injured by the person whom he injures. Nor is he who has com-

k Aphorismi Confess. p. 482. l Clavis Regia Sacerd. num. 29, p. 619.
m Dens, ubi supra, tom. i. p. 376.
n Gratian, Dist. lxxxi. cap. 6 in Gloss.
o Rome in the 19th Century, vol. iii. pp. 218, 227.
p Russell's Tour in Germany, Edinb. 1825, vol. ii. p. 284.
q Tolet, lib. v. c. 15, p. 779.

pounded with the bishop or the Pope for doubtful restitutions, or in whose case they have been remitted by the Pope.

"Nor is a harlot bound to return what she has extorted by the usual falsehoods (of her trade)."[r]

"The third difficulty relates to the *quantity* which is to be deemed sufficient to constitute a mortal sin.....This question, from its very nature, as well as from the conflicting opinions of authors, is (exceedingly) difficult and obscure: the more ancient theologians and summists having laid down no fixed rule upon the subject, but left it to the prudence of the confessor or the conscience of the penitent, to be determined according to the circumstances of person, time, and place.[s]

(1.) "Some are of opinion that two or three pieces of gold (*duos aut tres aureos*[t]), from the very nature of the case, must be a sufficient quantity to constitute a mortal theft from whomsoever they are stolen, although it be a king, and two *juliuses* if stolen from a poor man. This opinion was held by Sotus, Anthony de Corduba, Johannes Major, Peter Navarre, and Peter de Arragon.

(2.) "Others, more scrupulous, (say) that one or two pieces of silver, or even half a piece of silver, would be enough to constitute a mortal theft; and that if a man were to steal a goat, or a hen, or anything else to the value of one *julius*, it would be a mortal theft, but venial if he stole anything to an inferior amount.[u]

(3.) "Others consider any theft venial which is under the value of half a piece of gold.

(4.) "I omit the opinion mentioned by Peter de Arragon and Peter Navarre, that a hundred pieces of silver, or even a hundred pieces of gold, would not of themselves absolutely constitute a mortal theft, unless the person from whom they are stolen should be seriously injured by it. For this opinion is unquestionably false, and would open a way to a host of evils. It was held by Dominic Bannes (*Cap.* II. *Qu.* 96, *Art.* 6); for he tells us that if a son were to steal fifty pieces of gold from a wealthy parent he would not sin mortally, but that a servant who should steal from the same person even a single ducat would sin mortally. He says also that if one of the king's officers, to whose care many thousand pieces of gold are entrusted, were to steal one or two hundred (of these pieces) he would not sin mortally—which opinion is far too lax.

(5.) "The opinion of Navarre and others, who affirm that the theft of two silver rials would be mortal, seems to me too severe; and although no certain rule can be laid down, we may yet take it for granted that there must be an amount of money so great as to constitute a mortal theft from whomsoever it may be stolen. Sotus and others rightly judge, that if two or three golden crowns should

[r] Aphorismi Confessariorum, pp. 535, 536.

[s] This and the five following paragraphs are from Sayers, Clavis Regia, p. 614, num. 9.

[t] Quære—golden *crowns*?

[u] i. e. a rial of silver,—for thus it is explained.

be stolen, even from a king, who would receive no real injury from the loss of them, the theft would yet be mortal; and they are followed in this opinion by Ludovicus Lopez. In the case of ordinary persons the theft of four or five julii[v] would be mortal, or one or two reals or a julius if stolen from a poor person.

"*Q.* What quantity appears to be absolutely sufficient to constitute a mortal theft?

"*R.* The most common and plausible opinion lays down as a criterion the daily wages or stipend of an honest artizan, which at this time and in this country may be estimated at about three or four shillings. But in places where money is more or less abundant a greater or a less sum must be fixed as the standard."[w]

"They appear to judge correctly who think that, in places where money is as plentiful as it is now in this and the neighbouring provinces, a golden crown, or three florens, are requisite to constitute a mortal theft; and although a few stivers should be deficient, the sin would yet be mortal."[x]

"*Q.* Let us suppose the case of a man whose many petty thefts at length amount to a considerable sum. Is he bound to restore it on pain of mortal sin?

"*R.* Navarre holds that he would not be guilty of mortal sin, and this opinion appears to the author to be the true one."[y]

"The seventh difficulty relates to the case of a man who should steal many trifling sums from a number of different people, amounting to a considerable sum altogether, would he be guilty of mortal sin?

"In this doubtful case there is a variety of opinions among divines."[z]

"*Q.* Is the man who has stolen a large sum of money by a series of little thefts, bound to restore the whole on pain of mortal sin?

"*R.* By no means: but that he may be free from the mortal sin of unjust detention, it is sufficient for him to restore what he has stolen, to such an amount that it may be no longer a notable quantity."[a]

¶ "In Sicily, at the British mess-table, some friends of ours were eye-witnesses to the fact of the silver spoons being pocketed *by two noblemen* who dined there by invitation: and this circumstance happened more than once. I might easily multiply instances; but I will only add, that in two cases which came under my own knowledge at Naples, *two noblemen of the first consideration* cheated some English friends of ours in the most dishonourable manner. Another Italian *nobleman* swindled one of our countrymen out of a large sum of money in a still more dishonourable way.—I am

[v] The julius was about sixpence.
[w] Dens, ubi supra, tom. iii. p. 155, num. 88.
[x] Boudart, ii. 341.
[y] Clavis Regia, p. 612.
[z] Ibid. p. 619.
[a] Dens, tom. iii. p. 162.

sorry I cannot say much for the morals of the middle and lower ranks, among whom truth, honesty, and industry are rare and little prized. They will cheat if they can; and they sometimes take more pains to accomplish this than would have enabled them to gain far more by fair dealing . . . . . I must say, that if a man does become rich in Italy (a rare circumstance), it is generally by knavery, by iniquity, and by the most nefarious practices: but it is certain that men in Italy do sometimes make large fortunes by practices that in England would lead them to the gallows."[b]

IX. THOU SHALT NOT BEAR FALSE WITNESS.

"An officious lie (*mendacium officiosum*), even in a court of justice, is a venial sin. The same may be said of (a lie) which relates to some trifling matter told even in the confessional: though some are of a different opinion."[c]

"*Note.* An *officious* lie is a falsehood which injures no man, but may profit (him whom you desire to serve). Such was the advice given by Chuza (Hushai) to Absalom. (2 Sam. xvii. 7, &c.)"[d]

"Some (casuists) affirm that a lie told in a sermon, and relating to any article of faith, is invariably a mortal sin; while others think that this is not always the case."[e]

"If a creditor should demand what you have repaid, you may deny that you ever received it: and if he should demand the whole when you owe only a part, you may deny that you are in his debt, saying to yourself—'*to that amount*'.

"Some (casuists) affirm, that he who is not bound to reply according to the intention of the person who asks the question, may reply with a mental reservation: as for example, 'it is not so—*that I am bound to tell you*', or 'I have it not—*that I should give it to you*'; but others do not allow of this, and *perhaps* with greater probability (et *fortè* potiori ratione)."[f]

"He is not bound to make restitution who hath grievously injured the reputation of another, but who has recovered from the effects of the calumny."[g]

"Nor is he who hath defamed another, by saying that he has heard (an injurious report), but does not believe it."[h]

"Nor is he (bound to make reparation) who sees another unjustly punished for a crime which he himself committed, and holds his tongue.

"Nor he who hath deliberately thrown a forged letter in the way of another, which he believes and is injured by it: for he has not exercised sufficient caution in giving credit to it." (Nec qui falsas literas de industriâ projicit unde alius credens læsus est levitèr enim credidit.)[i]

[b] Rome in the 19th Century, vol. iii. pp. 220, 226, 295.
[c] Aphorismi Confess. p. 431.
[d] Turlot, p. 629.
[e] Aphorismi Confess. p. 432.
[f] Ibid. p. 432.
[g] Ibid. p. 534.
[h] Ibid. p. 535.
[i] Ibid. p. 535.

"Nor is the man who cannot restore the reputation which he hath injured, bound to make any other compensation. Some however affirm that he ought to make compensation by money or the like."[k]

"To constitute (the *mortal* sin) of detraction, it must be very scandalous; as for instance, when a virtuous young woman is calumniated as a harlot. Yet sometimes the accusation of venial sin, if it be thought very disgraceful (by the party calumniated), may amount to the '*materia gravis*' (of detraction), as for example, if a man were to call a bishop a liar."[l]

"The detractor is excused from making reparation if the character of the calumniated person should be cleared in any other way, or if the infamous accusation should be no longer remembered (by the world)."[m]

"*Q.* Is it allowable to use ambiguity or equivocation when the words (to be spoken) admit of a double meaning?

"*R.* An equivocation of this description does not include a lie, in whatever sense it may be taken. It is therefore lawful,"[n] &c.

¶ "It is a most difficult matter to get the truth out of Italians; and I almost begin to credit old ——'s assertion, who lived among them twenty years, that *they only speak truth by accident, and are liars by habit.*"[o]

Inglis tells us that, next to homicide, the most numerous cases at an Irish assize are for violation. "*In nine cases out of ten the crime is sworn to merely for the purpose of getting a husband;* and the plan generally succeeds . . . . . It certainly impresses a stranger with no very favourable idea of the female character, to find a girl falsely swearing a capital charge against a man whom she is willing at that moment to marry."[p]

"Want of veracity on the most solemn occasion on which veracity is ever called for, is but too plainly established. We find the very reverse of that straight-forwardness which it is so delightful to see exhibited in the examination of a witness. If positive falsehood would serve the end, it is unhesitatingly resorted to; and as for telling the *whole* truth, I saw no one instance of it . . . . . As I have already observed, the same ferocity which has been exhibited at a fight is brought into court. False oaths are the substitute for weapons; and by these witnesses seek to avenge the death of a relative who has been more unfortunate but not more (less?) criminal than the accused."[q]

X. THOU SHALT NOT COVET.

"Conjux, absente conjuge, si absit pollutionis periculum, imaginariâ copulâ delectari potest."[r]

[k] Aphorismi Confess. p. 538.
[l] Dens, tom. iii. p. 174.
[m] Dens, tom. iii. p. 197.
[n] Ibid. tom. iv. p. 357.
[o] Rome in the 19th Century, vol. i. p. 79.
[p] Ireland in 1834, vol. i. p. 287, &c.
[q] Ibid. vol. i. p. 292, &c.
[r] Tolet, cap. xiv. p. 777.

"Poterit etiam esse excusatio a mortali si actus de se venialis, ex quo oritur venerea delectatio, sit indeliberatus, vel etiam ex parvitate delectationis ejusmodi;—nonnulli enim boni authores parvitatem materiæ agnoscunt etiam in re venereâ. Neque refert quod omnis delectatio venerea disponat ad copulam; quia modica disponit ad eam valdè remotè."[s]

"Justæ causæ *permittendi* motus sensualitatis, sunt auditio confessionum; lectio casuum conscientiæ pro confessario, et servitium necessarium vel utile præstitum infirmo. Talis vero *ordinariè* non est lectio libri, vel alloquium, curiositatis aut recreationis gratiâ, si inde commotiones carnales sequantur quia illi effectus mali sunt majoris considerationis."[t]

"Præcipua difficultas superest, quantum peccatum constituant motus tantùm voluntarii in causâ, dum ipsa causa est perfectè voluntaria. Puta aliquis prævidet ex vaniloquio curioso, aspectu, aut inutili lectione libri, sequuturos motus inordinatos: an talis, *voluntariè* et *deliberatè* ponens unam ex his causis, potest excusari a peccato mortali, si motus ipsi displiceant, &c. . . . . In re valdè obscurâ videtur utraque sententia temperari posse. Si motus non sint ita graves ut causent pollutionem, vel proximè ad eam disponant, tunc motus illos non excedere culpam venialem."[u]

"Notandum quod non omnis motus ex causâ mortaliter malâ ortus ideo sit mortalis."[v]

"*Q.* An tenetur illam pollutionem in somno inceptam mox ut evigilet vi cohibere, ne continuetur in vigiliâ?

"*R.* Cum Antoine, tenetur saltèm ut pollutio non continuetur per effusionem seminis necdùm a lumbis vel e testiculis extravasati. Sanchez Billuart aliique videntur permittere continuationem ob periculum infirmitatis."[w]

The many obscene engravings and licentious publications which abound in Italy and France, furnish a commentary worthy of such a text; and what is infinitely worse, licentiousness but too frequently assumes the disguise of religion, and the manual, placed in a young person's hands to assist the conscience before confession, details abominations which it might never have entered into the heart to conceive.

The same observation applies to the questions asked in the confessional, which are to be seen in the works of Burchardus, Sanchez, and other casuists. Although some proof must be alleged in justification of so serious a charge, I must yet beware of falling into the very error which I am trying to expose, and shall therefore publish only *a single question;* a sample fortuitously selected from the "*decretals*" of Burchardus, Bishop of Worms, and which I found amidst a multitude of others of the same kind.

[s] Boudart. Catech. Theol tom. ii. p. 374.
[t] Dens, Theol. tom. i. p. 299, num. 1.2, Tract. vi. Q. 4.
[u] Ibid. num. 113, p. 300, &c. [v] Ibid. p. 303.
[w] Ibid. tom. iv. p. 381, num. 296.

"Fecisti quod quædam mulieres facere solent, ut faceres quoddam molimen aut machinamentum in modum virilis membri, ad mensuram tuæ voluntatis, et illud loco verendorum tuorum aut alterius cum aliquibus ligaturis colligares, et fornicationem faceres cum aliis mulieribus vel aliæ tecum."[x]

There also may be seen questions, "de mollitie (sive onanismo), de coïtu cum masculis vel brutis animalibus," &c.: and it is not too much to say, that by reading a work of this description the mind of a young person would be more polluted in half-an-hour, than by all the licentious publications that ever issued from the press. These casuistical works are, however, placed in the hands of candidates for the priesthood, who have the warm blood of Italy glowing in their veins, and are yet fettered by the law of celibacy! The many enactments against '*solicitors*' (or priests who made the confessional an instrument of seduction), sufficiently shew the extent of the evil and the inadequacy of the remedy.[y] Legislation would never have been thus elaborately applied to a few insulated cases of abuse; and the continual evasions of a law can alone call forth from time to time fresh and more stringent enactments.

§ 3. *Penitential Discipline of the Early Church.—The origin of Auricular Confession—Excommunication.*

In primitive times confession and penance were both public; and those who were repelled from the holy Communion for their sins, were obliged to submit to a long course of probation before they could be restored to the privileges enjoyed by the faithful.[z] So excessive, indeed, was the rigour of this early discipline, that the penance of the offender was often commensurate with his life; and in his dying agonies alone was he permitted to receive the eucharist as a *viaticum* to his heavenly rest: yet even this was considered too great an indulgence by the prelates who sat in the council of Eliberis, A.D. 305; for they decreed that gross offenders might indeed be reconciled to the church on their death-beds, but that they should not be allowed to communicate:[a] an unwholesome severity, which plunged many into "the wretchlessness of most unclean living," the natural offspring of despair, while it drove others into open apostacy from the faith.

At the period of which I am speaking, penitents were distributed into four classes or "*stations*",[b] viz.

1. προσκλαυσις, or the station of those who were condemned to mourn or lament. They stood outside the church door (at the west), exposed to all the inclemency of the weather, and with tears in their eyes implored those who entered to pray to God in their behalf.

[x] Burchardi Decret. Colon. 1548, lib. xix. fol. 199, &c.
[y] See in section 1 of this chapter, note to Wilk. i. p 577, A.D. 1220.
[z] Schurtzfl. Controv. cap. xxxvii. § 3, 10; item. Schram, § 1077, Schol.
[a] Can 1—8, apud Carranzæ Summa, edit. Sirmond. Paris, 1678, p. 80.
[b] Schurtzfl. et Schram, ubi supra; item Bingham, book xviii.

2. ἀκρόασις, or the station of those who were permitted to *hear* those portions of the service which were recited before the catechumens were dismissed. They stood in the *narthex*, or ante-nave, a sort of inner porch divided from the nave by folding-doors, which however were left open till the sacramental service commenced.

3. ὑπόπτωσις, or *substratio*, was the space between the narthex and the ἀμβων, or pulpit, which stood in the centre of the nave. Here the penitents of the third order, clothed in sackcloth, prostrated themselves, and remained till the offertory, when they were obliged to retire with the catechumens and *auditors*.

4. σύστασις. was the station of those who were allowed to be present at the holy mysteries, but not to communicate; nor were their names recited in the *diptychs*.

In process of time the severity of the ancient discipline was relaxed: the *stations* fell into total desuetude; auricular or secret confession to the priest was substituted for the ἐξομολογησις, or public confession practised in the early Church; nor was public penance ever enforced, except in the case of crimes which were very flagrant and notorious.

It is however not a little remarkable, that even as late as Lindwood's time, who flourished about A.D. 1433, when a person relapsed after having undergone this public penance, he could not be again reconciled to the church except upon his death-bed.[c]

Delinquent clerks were exempted from public penance out of reverence to their sacred office.[d]

The scandal which arose from the public confession of a woman that she had committed adultery with a deacon in the very church, first led Nectarius (the then patriarch of Constantinople) to abolish the custom altogether."[e]

This took place about A.D. 390; and soon after, by an extremely natural transition, auricular or secret confession succeeded into its place.

Let us next take a brief survey of the penitential discipline of the Middle Ages.

Excommunication was of two sorts, the *minor* and the *major*, though this distinction is not to be found in those canonists who wrote before the 13th century.[f] The *lesser* excommunication merely excluded from the sacraments; whereas the *greater* not only drove a man out of the pale of the church, but deprived him of the society of his dearest friends. He was shunned as if he had been infected with a sort of spiritual leprosy, and those who shewed him the least kindness incurred the same dreadful penalty. Before a sentence of excommunication could be pronounced, canonical warning was given three several times to the offender;[g] and if he still continued obstinate, he was then delivered over

[c] Johns. A.D. 1281, c. vii. note 1.
[d] Schurtzfl. p. 617, et Wilk. ii. 148.
[e] Socratis Hist. lib. v. c. 19.
[f] Johns. A.D. 1237, c. 17, note.
[g] Wilk. i. 637, et Burn's Eccl. Law, voce *Excommunication*.

to Satan with great solemnity. A most awful curse was pronounced against him by all the assembled priests, who at the conclusion of it rang the *saunce* bells, closed their books, and violently extinguished all the candles, by throwing them down to the ground and trampling upon them, praying that '*his light might be extinguished for ever and ever*,' before God.[h] The name of the person thus excommunicated was next affixed to the church-door,[i] and application was made to the king's justice for the writ "*de excommunicato capiendo*," by virtue of which he was arrested and imprisoned[j] till he had made satisfaction.

When excommunicates desired to be reconciled to the church, they went thither on *Ash-Wednesday*, dressed in coarse attire, and humbly requested admittance, but were driven away from the door: throughout Lent, they probably knelt in the galilee during the celebration of divine service, till *Maundy-Thursday*, when they were received into the church and absolved. Those, however, who died in a state of excommunication, were not merely deprived of christian burial, but *they* incurred a like sentence who should put their bodies in stone, wood, water, &c. If they had been buried, their corpses were to be disinterred; and Camden tells us, that the body of a man who had died excommunicate was wrapped in lead by the knights templars, and hung upon a tree, as an evasion of the above-mentioned law.[k]

Excommunicates were in some instances, however, absolved after death, and so received Christian burial;[l] but in this case I take it for granted that the spiritual judge required proof of their having been penitent and desirous of reconciliation to the church, and that they died without the benefit of absolution simply from a want of opportunity.

On the other hand (as in the case of Wiclif) the sentence of excommunication was sometimes pronounced against persons actually deceased. Their bodies were exhumed, and ignominiously cast out of the churchyard.[m]

"*Absolutiones ad cautelam*" were sometimes granted to the excommunicate who had appealed from their sentence to a higher tribunal, till the decision of the Pope or other superior judge could be ascertained; and "*absolutiones relaxatoriæ*" were temporary relaxations of the sentence, in cases (probably) where the excommunicate were sincerely penitent, but had not yet made satisfaction.[n]

General sentences of excommunication, solemnly pronounced in the church with bell, book, and candle, against all who should be guilty of certain offences specified at the time, and incurred *ipso facto*, (although the actual perpetrators were unknown,) cannot be traced higher than the thirteenth century.[o]

[h] Text. Roffens. edit. Hearne, p. 55.
[i] Wilk. i. 442.
[j] Ibid. i. 749.
[k] Camden's Britannia, edit. Gibson, p. 353.
[l] See above, p. 303.
[m] Carranza, Summa Concil. edit. Sirmond. p. 569.
[n] Du Cange, voce *Absolutio*.
[o] Johns. A.D. 1237, c. 17, note.

Interdicts, which were in fact *excommunications by wholesale*, have been already described (p. 37, and note).

The moment that an excommunicated person entered a church, the officiating ministers closed their books, extinguished the lights, and hastily suspended the service.[p]

§ 4. *A few additional remarks about the Sacrament of Penance.*

In addition to what has been said respecting the sacrament of penance in a former portion of my work,[q] I would here observe that, according to the decree of the fourth council of Lateran, every person above the age of fourteen was bound to confess his (or her) mortal sins to a priest at least once a year.[r]

In cases of apostacy, sacrilege connected with the holy eucharist or the chrism, adultery, the violation of a nun, incest within the third degree of consanguinity, unnatural offences, &c., a simple priest could not absolve—those crimes having been specially reserved to the bishop;[s] while in other cases the Pope alone could pronounce absolution, such as the violation of the immunities of the church, the laying of violent hands upon an ordained person, simony,[t] &c.

The *sigillum confessionis* was the obligation of the priest never to reveal what he had heard in the confessional, on pain of being deposed without mercy; for it was considered in the light of a dreadful sacrilege. Schram indeed tells us, that even if the public safety were vitally concerned, or if murder could be prevented by it, a priest would not be justified in disclosing what he had heard from his shrift; *nay more, that if he were examined before a magistrate, he would be bound to swear positively that he knew nothing of the matter*"![u]

§ 5. *Satisfaction—various Penances—the commutation of Penance—Supererogation.*

Satisfaction, the third part of the sacrament of penance, is supposed to avert from the sinner the temporal punishment which is reserved even after he has been absolved by a priest. The absolution frees him, indeed, from the *guilt* of sin as well as from its *eternal* punishment; but the commuted penalty must be undergone either in this life or in purgatory, unless it be cancelled by what is termed *satisfaction*, viz. the penance which is always enjoined by the confessor to his shrift; and without which (injunction) this alleged sacrament would be considered incomplete.[v]

These penances, for the most part, consist in fasting and other acts of mortification, (such as being chastised with the discipline, or wearing a hair shirt,) almsgiving, and prayer.

[p] Wilk. i. 417.
[q] P 179, &c.
[r] Apud Boudart, tom ii. p. 31.
[s] Ibid. p. 64.
[t] Ibid. p. 62.
[u] Schram, § 1101, Coroll.
[v] Boudart, tom. ii. p. 74, &c.

"For one mortal sin (according to Schram) it is usual to enjoin a recital of the litany of the saints or of that of Loretto, attendance at divine service, and fasting."[w]

The ancient *pœnitentials*, however, simply enjoin a recital of the Lord's Prayer or the Psalter, without making any mention of the *Ave Maria* or litany of the saints,—a strong presumptive evidence of the novelty of these formularies.[x]

Public penances were never enjoined for sins revealed in the confessional, lest the severity of the expiation should disclose the nature of the crime;[y] but where the offence was flagrant and notorious, the detected monk was exposed before all his brethren and put to open shame. A few of these monastic penances are too remarkable to be omitted in a work, the object of which is to exhibit to the reader a faithful picture of the state of religion in the Middle Ages.[z]

(1) In some cases (to use a very modern expression) the delinquent was '*sent to Coventry*', no more notice being taken of him than if he had been really absent ("*habebitur absens*"). This appears to have been chiefly the punishment of those who had held communication with persons under sentence.

(2) *Adoratio horarum*, an Irish penance, consisted of a certain number of genuflexions to be performed at each (canonical?) hour.

(3) *Ante et retro*, was a species of prostration, in which the loins were higher than the back and the back than the head. A representation may be seen in Fosbrooke's *British Monachism*, all the monks of La Trappe being thus prostrated at the '*Venia*'.

(4) *Super articulos prosterni*, was a more painful prostration, in which the whole weight of the body rested upon the toes, knees, and knuckles. The two last-mentioned penances were enjoined for trivial breaches of discipline.

(5) *Scapulare linguarum*, was a white scapular, having twelve tongues of red cloth sewn upon it. When a Cistertian monk had been guilty of slander, insolence to superiors, or any other '*offence of the tongue*', he was condemned to wear this scapular as a public disgrace, and to take his meals sitting upon the ground.

(6) In some instances the monk was condemned to drink at his meals water that had been polluted by a hen.

(7) *Dentis evulsio*, was the punishment of those who had violated a fast-day, or who had eaten flesh during the penitential season of Lent. The man convicted of such an offence was condemned to lose one of his teeth.

(8) *Baptisma*, a monastic punishment for neglect of duty, viz. a good ducking.

These few specimens may suffice.

w Schram, § 1077, Coroll.

y Schram, tom. iii. c. 17, § 1077. Coroll.

[x] See above, p. 292.

z Du Cange, in vocibus *Absens; Adoratio Horarum; Antè et Retrò; Articulus, Scapulare Linguarum; Dentis evulsio; Baptisma* (Suppl.), &c.

The *commutation of penance* established a distinction between the rich and the poor totally at variance with the spirit of the Gospel. In the eighth century, a whole year's fasting might be commuted by the purchase of thirty masses; or, if he preferred a different *investment*, the wealthy delinquent might hire other people to fast in his behalf, *and thus redeem a seven years' penance in three days!*[a] This was a sort of corollary upon the doctrine of *supererogation*, according to which a man may more than deserve heaven, the surplus stock of merit being transferable at will.

At Halberstadt, a very singular custom anciently prevailed, analogous to the *scape-goat* among the Jews. Æneas Sylvius (afterwards Pope Pius II.) tells us, that some flagrant criminal was selected from the body of the people, and driven out of the church upon Ash-Wednesday. During the forty days of Lent he was to wander through the streets in deep mourning, barefoot, and with a veil over his head; but he was neither suffered to enter a church, or to hold any intercourse with his fellow-citizens. He might eat only such food as the clergy offered him in charity, and was allowed to sleep in the open air, but not till after midnight. On Maundy-Thursday he was received into the church, and publicly absolved. The people on that occasion gave him money, (which however he was expected to offer at the altar); and it was supposed that he had thus obtained a plenary remission of all his sins. This public penitent was designated by the name of 'Adam'.[b]

Letters of confraternity, which secured to a lay benefactor an interest in all the masses, prayers, and merits of the religious corporation by whom they were assigned, have been already noticed. Pilgrimages to remarkable reliques or shrines were also supposed to expiate guilt, or at least to commute its temporal penalty. The same benefit was sometimes ascribed to the recital of a particular prayer: and the dying man was not unfrequently invested in the habit of some privileged order, as a direct passport to heaven without the preliminary discomfort of passing through the flames of purgatory.[c]

§ 6. *Indulgences.*

Relaxations of the severe penances imposed in the primitive church, were probably the origin of indulgences, though in process of time they were extended to the liberation of souls from purgatory, and became a source of inexhaustible wealth to the see of Rome. The argument of Pope Clement VII. in favour of indulgences, is so characteristic of the theology of the period, that I cannot withhold it from the reader. "Our Saviour could with one drop of his blood redeem the whole human race: since, however, so much blood was shed, that there was not a sound part in his

[a] In this chap. Wilk i. 140, 233. Also (on *Supererogation*) see Schram, tom. iii. c. 17, § 1076.

[b] Suppl. to Du Cange, voce *Adam*.

[c] Ibid. voce *Angelica Vestis*.

whole body, all that was superfluous he bequeathed as an immense treasure for the use of his church, to which were added the merits of the Virgin Mary and all the saints; so that the power of granting indulgences (*condonandi*) is inexhaustible;"[d] and so it had need to be, considering the profuse expenditure of the treasure. In an illuminated MS. which I possess, *two thousand years* of indulgence are granted to all who say a particular prayer: and in a chantry in the parish church at Macclesfield there is an inscription to the effect, that any person who shall say there five *Paternosters*, five *Aves*, and (*a credo*), shall enjoy "*twenty-six thousand years, and twenty-six thousand days of pardon*"![e] In their third *gravamen*, the princes assembled at Nuremburg complained to the legate that the vendors of indulgences undertook to pardon not only the past but *the future* sins of their customers ("noxas præteritas *et futuras* viventium":[f]); and Tetzel audaciously declared, "se tantam habere potestatem a pontifice, ut etiamsi quis *Virginem Matrem* vitiasset ac gravidam fecisset, condonare crimen *ipse* posset interventu pecuniæ. *Deinde non modo jam commissa verum etiam futura peccata condonabat.*"[g] In the 17th century, the "Taxa Cameræ" was published at Rome by papal authority, to instruct the people as to the price at which each crime might be expiated. The murderer of a priest paid exactly the same as a parricide, (about 10*s.* 6*d.* of our money). He who had committed incest with his mother or sister paid *less* than a man who kept a concubine, or who had committed perjury. A concubinary priest paid exactly the same as a layman; *and a robber or an incendiary more than any which I have specified!*[h]

Old Chaucer has, in his Canterbury tales, given us an amusing sketch of one of the many hawkers of indulgences who travelled through the country in his days. As soon as he has ended his story, this "*pardoner*" exclaims, with a very proper regard to the main chance—

> "Now good men God foryeve you your trespas,
> And ware you fro ye synne of avaryce.
> Myn holy pardon may you all waryshe,
> *So that ye offre nobles or starlynges,*
> *Other els sylver spones, broches, or rynges.*
> Boweth your heed under this bulle,
> Cometh up ye wyves and offreth of your woll,
> Your names here I enter in my rolle anon;
> Into the blysse of heven shull ye all gon.
> I you assoyle by myn highe powere,
> Ye that offren as clene and eke clere
> As ye were borne."

The Jubilee was a sort of *general* indulgence granted to all persons who (being confessed and contrite) should visit the thresholds of the apostles at Rome. This was first established by Pope

[d] Sleidani Comment. edit. Badii, 1559, p. 15.
[e] Camden, edit. Gibson, 1695, col. 572.
[f] Browne's "Fasciculus," Lond. 1690.
[g] Sleidan. ubi supra, p. 205.
[h] Gent. Mag. Oct. 1745, p. 544. See also Foulis's Collection, and Mendham's Venal Indulgences of the Church of Rome.

Boniface VIII. A.D. 1300, who decreed that there should be a jubilee once in a century. Clement VI. established one every fiftieth year; Urban VI. every thirty-third year; and Xystus IV. every twenty-fifth year.

A condensed View of the Anglo-Saxon Legislation.

As the second division of this chapter may possibly be considered by many the most interesting portion of my work, I shall here present the reader with a few remarks upon the nature and administration of those laws which were the rudiments of our English constitution. Hallam's Middle Ages;[i] Hume's first Appendix, which immediately follows the third chapter of his History; the Quarterly Review, No. 67,[j] and Blackstone's Commentaries, are the sources from which my information has been principally derived.

The government of the Anglo-Saxons was a *limited monarchy*, and had become very aristocratic in the age of the Confessor, when Godwin, Harold, and other nobles, possessed an almost boundless authority in the state. The succession to the crown was so far hereditary as to be continued in the same family; but the son who possessed the greatest talents, or the largest share of popularity, was usually elevated to the throne, without any regard being paid to the rights of primogeniture. In the council assembled at Calchuth, A.D. 787, a curious passage occurs respecting the *election* of a king by "*the priests and elders of the people*;"[k] and Bede tells us that the ancient Saxons had no king, but a number of *satraps* of equal dignity, who, at the commencement of a war, elected one of their number to rule over them *during its continuance*.[l]

The principal magistrates subordinate to the king were the eorls, or governors of counties, otherwise called *aldermen*, and sheriffs, or *vice-comites*, who acted as their deputies. Bishops also exercised a judicial power both in spirituals and temporals before the separation of the ecclesiastical court from the hundred court by William I.[m]

During the Anglo-Saxon period, the English laity consisted of four distinct classes of persons, viz. 1. *king's thanes*, or noblemen whose *weregild*[n] was valued at twelve hundred shillings; 2. *lesser thanes*, or gentlemen possessing upwards of six hundred acres of landed property, and a *weregild* of six hundred shillings; 3. *ceorls*, or free husbandmen and small farmers, answering to our yeomen, and valued at two hundred shillings; and 4. *slaves*, some of whom were probably the descendants of the vanquished Britons, and the residue Saxons who had forfeited their liberty for their crimes. These had a *weregild* of sixty shillings. Whether *vassalage* or the system of *feudal tenure* existed prior to the Conquest, is a point still much controverted among antiquaries; though the law by

[i] Vol. ii. p. 127, &c.
[j] June 1826, p. 248, &c.
[k] Can. 12.
[l] Hist lib. v. cap. 11.
[m] Wilk. i. 368.
[n] See for *Weregild* in the Index.

which a *sithcundman* or military tenant forfeited his land by neglect of attendance in war, appears to favour the affirmative side of the question.

The GEBEORSCIPE, *tithing*, or *fribourg*, (called in Yorkshire "*the ten men's tale*,") was a sort of petty corporation, consisting of ten householders, and was probably *in its original* a *voluntary* association for the sake of mutual protection, like the curious "*sodalitium*" published by Dr. Hickes.[o] Every person above the age of ten years, who neglected to register himself in one of these associations, was liable to be treated as an outlaw. An officer presided over each tithing, called a *gebur*, *borseholder*, or *tithing-man*, with an authority resembling that of our parish constables. It was his duty to arrange petty disputes, and he probably represented his tithing in the hundred and county courts, for I cannot believe that all the freemen attended there in person. The members of a tithing were mutually responsible for each other's abiding the course of justice, and should one of them commit a crime the rest were bound to apprehend and deliver him up to be punished; so that they were a sort of perpetual bail for each other. This was called the law of *frank-pledge*, and to secure themselves from its penalties the members of a tithing used to eat together, lest any of their number should be absent on unlawful occasions. As an additional security, no man could change his residence without the permission of his *borseholder*, nor could he leave the county without the license of the *alderman*.

"Every man, from a ceorl to a king's thane, was moreover obliged to place himself under a lawful superior; and though he might quit his present patron, it was under the condition of engaging himself to another. If he failed in this his kindred were bound to present him to the county court, and name a lord for him themselves. Hence we find by the extracts which Dr. Brady has given us from *Domesday Book*, that almost all the inhabitants even of boroughs had placed themselves under the clientage of some particular nobleman, whose patronage they purchased by an annual payment."[p] This was probably the origin of vassalage.

The *hundred* is supposed to have consisted of a hundred free families, including the ceorls as well as their landlords, or of ten tithings; though the *wapentake*, which was a more numerous body, organized for the purpose of keeping up military discipline, afterwards obtained the name of "*hundred*" incorrectly. The *hundred-court* was composed either of the freeholders of the district or their representatives, and the sheriff presided at it.

The *county-court*, or *shire-mote*, was assembled twice a-year, to decide appeals from the *hundred-court* and also causes both ecclesiastical and civil. This court also consisted of freeholders, over whom the bishop and the alderman presided, "to keep order, and interpose with their opinion."[q]

[o] Dissert Epistolaris, p. 21, *apud* Hume.
[p] This paragraph is abridged from Hume and Hallam.
[q] Hume.

There was sometimes an appeal from the judgment of the county-court to the royal tribunal, or *king's court*.

The nature and constitution of the *witenagemot*, in which laws both ecclesiastical and temporal were enacted, have been explained in my first chapter.[r] Many of the Anglo-Saxon laws were however *oral*, and the decisions of the courts of justice were frequently guided by ancient usage, preserved traditionally, in the absence of any written doom.

Their *rules of proof* were highly characteristic of a barbarous age. The absurdity of the laws respecting *compurgators* and *ordeal* will, however, be exposed elsewhere;[s] and I must also refer my reader to another part of my work for an explanation of the *weregild*, and other pecuniary mulcts for crime.

Trial by jury does not appear to have been adopted in England before the Conquest. The authorities which have been cited to prove the contrary relate exclusively to the system of *compurgation*, the occurrence of the number *twelve* and its multiples having probably led to the mistake.[t]

The penal laws of the ancient Teutones were sanguinary and barbarous in the extreme. Removers of boundary stones were buried up to the neck in the earth, and ploughed to death; and cowards were condemned to be smothered in mud.[u] Among the Anglo-Saxons, capital punishments were, it is true, exceedingly rare; yet the following "*formulæ veteres*," which were in force among the Northumbrians in the 8th century, must at least prevent us from ascribing this to any excess of humanity: they are headed "*De improviso judicio secularium.*" "Some are to be chastised with fetters, and some with scourges; others are to be distressed with hunger and cold; let others endure the reproach of losing their skin, hair, and beard all at once; let others be yet more sharply distressed, that is, let them undergo the loss of an eye, nose, hand, foot, or other member." "The practice of pulling the skin off the whole head was indeed so common among our ancestors, that they had a single word or term of art whereby to express it, viz. *hættian.*"[v]

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§ I. PENANCE, INDULGENCES, EXCOMMUNICATIONS.

CONCILIA MAGNÆ BRITANNIÆ ET HIBERNIÆ, EDIT. WILKINS, VOL. I.

WILKINS' CONCIL. I. p. 2. *From Nennius's Hist. ch.* 38: "King Vortigern (about A.D. 449) took his own daughter to wife, who bore him a son; which as soon as Saint Germanus (bishop of

[r] Page 3.
[s] In this chap. § ii. Wilk. i. 59, cap. 9, n. A. D. 693, and also in § iii.
[t] Hallam ii. 145.
[u] Teutonic Legal Antiq. by Grimm, *apud* Brayley's Graphic Illustrator, London, 1834, p. 35, &c.
[v] Johnson, A.D. 740, Ex. 73, n. i.

Auxere) had discovered, he came with the whole body of the British clergy to reprove the king. A great number of clergy and laity being assembled together in council, the king told his daughter to go to the synod, and placing the child in the arms of Germanus to say that *he* was the father of it, and she acted accordingly. St. Germanus received him kindly, and began to say, 'I will be a father to thee, nor will I deliver thee up till a razor with a comb and shears have been given to me, which thou mayest give to thy natural father.' As soon as the boy heard this he obeyed the injunctions of the holy old man, and went to his father and grandfather Vortigern, and said to him, 'Thou art my father, clip therefore and comb the hair of my head:' but he made no reply and was very angry, and endeavoured to flee from the presence of St. Germanus, and was cursed and excommunicated by him and the whole council of the Britons."

Note. There was a custom among the Britons called *Diwyn*, signifying the first cutting of a youth's hair. This was usually done by one of the chiefs of the family, who at the same time made the child a gift, or granted him some request. (*Lluyd. Archæol.* c. ii. p. 234.)

Wilk. i. p. 3.—*Canons of St. Patrick, &c. made in Ireland*, A.D. 456.

Can. 12. If any Christian shall be excommunicated, let not his alms be received.

Can. 13. It is not lawful to receive into the church alms offered by pagans.

Can. 14. Let a Christian who hath committed murder or fornication, or who, like the gentiles, hath observed auguries, do penance for a year; at the end of which let him come to the church accompanied by witnesses, and be absolved by the priest.

Can. 16. If a Christian believe that there are faëries in a mirror (*esse lamia in speculo*), let him be anathematized till he hath renounced the sin which he hath committed.

Can. 17. If a virgin who hath vowed chastity shall afterwards marry an earthly spouse, let her be excommunicated until she hath repented; and afterwards let them not dwell in the same house or in the same town.

Can. 18. An excommunicated person must not enter the church, *even on Easter night*, until he have received absolution.

Can. 21. If a Christian, having been injured by any one, shall summon him before a (*temporal*) tribunal, and not to the church, that the cause may be examined there, let him be excommunicated.

Can. 28. If any clerk be excommunicated, let him pray alone, and not in the same house with the rest of the brethren. He may not offer or consecrate till he hath made satisfaction.

Ibid. p. 4.—*Other Canons of the same, of uncertain date.*

Can. 2. Whosoever shall have stolen money from the holy church, in which martyrs and the bodies of the saints repose, let

his hand or foot be cut off; or let him be cast into prison, or sent away into banishment, first restoring double, and swearing not to return till he hath fulfilled his penance.

WILK. i. p. 4.—*From another Council of the same, of uncertain date.*

Can. I. II. and IV. Eat not with the excommunicated; reject their gifts; curse them not, but repel them from the communion, the table, the mass, and the (*kiss of*) peace.

Can. VII. We think that apostates from the faith ought not to be absolved till they have been first received by the imposition of hands.

Can. XXIV. *On the contention of two persons without witnesses.* It is determined that, previously to taking the holy communion, they shall swear *by* the holy gospels concerning the truth of their testimony, after which the case is to be left in the hands of the judge.

Can. XXX. The laws of the jubilee are to be observed, *i.e.* every fiftieth year.

Note. The Latin of this canon is very obscure: "Nunquam vetitum; licet. Verùm observandæ sunt leges jubilæi, hoc est quinquaginta anni, ut non infirmetur incertâ vice ratio temporis, et ideò omnis negotiatio subscriptione Romanorum confirmanda est."

IBID. p. 6.—*Other Canons of St. Patrick,* A.D. 456.

Can. 3. Let the man who murmurs words of blasphemy against his prince, through hatred or envy, do penance seven days with bread and water, after the example of Miriam murmuring against Moses.

Can. 5. If an adultress should repent, let (*her husband*) receive her, and let her serve him as a handmaid; and let her do penance a whole year, with bread and water in a fixed allowance, nor let them use the same bed.

IBID. p. 17, &c.—*Synods of Llandaff, Wilk.* A.D. 597.

This synod was convened by Oudoceus, bishop of Llandaff. "King Morris and Cynetu, the relics of the saints being placed before them, and in the presence of Oudoceus, swore to observe peace towards each other: afterwards king Morris treacherously slew Cynetu; for which reason the bishop, convening the whole of his clergy, in full synod excommunicated the king and his family; the synod confirming the sentence and saying, 'Let his days be few, his children orphans, and his wife a widow,' *in confirmation of the curse inclining the crosses to the earth.* The king *with the whole of his dominions* remained under the excommunication for two entire years, after which he repented and was absolved. King Morris having received the yoke of penance, gave four towns to the church of Llandaff, for the redemption of his soul and for the soul of Cynetu."

The *second synod of Llandaff* was held about the same time. "King Morcant having slain his uncle Frioc, the whole synod, in the presence of Oudoceus, decided (on account of the defenceless condition to which his kingdom would be reduced were it deprived of the protection of its natural lord) that he might commute the sentence of (*perpetual*) banishment, by fasting, prayer, and almsgiving; and king Morcant placed his hand upon the four gospels and the relics of the saints, held by Oudoceus, and promised that he would make satisfaction."

The *third synod of Llandaff* was held about the same period. "In the time of Oudoceus, Guednerth slew his brother Mercion, in a contest for the kingdom, for which deed he was excommunicated, and continued so for three years, at the end of which he entreated absolution from Oudoceus. As a part of his penance, Oudoceus ordered him *to go to the archbishop of Cornouaille* (*in Brittany*), both on account of the friendship which had long subsisted between the bishops of both sees, *and because, although so far distant from each other, they spoke the same language, and were of the same nation.* The king however returned before he had fulfilled his year of banishment, and the bishop would not absolve him. During the time that Guednerth remained under the ban of excommunication, the blessed Oudoceus died in the Lord, and was succeeded in the see of Llandaff by Berthguinus, whom king Morcant and Guednerth, with many elders, *seeing the crosses still placed upon the ground*, implored with one accord that he would absolve Guednerth from the excommunication, *by taking up the crosses from the ground and the relics of the saints.* Guednerth with tears in his eyes promised to make satisfaction with prayers, fasting, and alms, and was absolved with great devotion; on which occasion he made a grant of land to the church."

Note. The acts of these synods are taken from an old MS. register of the church of Llandaff, and prove the manners of the Welsh to have been exceedingly barbarous in ancient times. Guednerth, Morris, and Morcant, although dignified with the title of kings, were in fact only petty princes. In Wilk. i. 196, &c., there are seven or more synods held at Llandaff about the year 887, which had all the same object. A king or nobleman commits murder or perjury, he is excommunicated, and makes a grant of land to the church by way of satisfaction. The crosses and relics are clearly an anachronism, accounted for by the fact that the MS. was compiled at a much later period than the sixth century.

WILK. i. p. 84.—*Dialogue of Ecgbert, Archbishop of York*, A.D. 734.

Ans. 12. Let the layman who hath slain a bishop, presbyter, deacon, or monk, do penance according to the established degrees of penance, and pay the weregild to his church.

Note. The penance for murder, according to Bede, (*De Remed. Peccatorum*), was seven years' fasting, three days in every week, besides Lents and vigils.

Ans. 14. Whatever layman shall desire holy orders, and being questioned shall reply that he is not of servile condition; that he hath not committed murder openly without making satisfaction for it, (*nec homicidium palàm perpetrasse inemendatum*); and that he has not in his possession property which belongs to another; it appears to me, that, if he hath deceived the Church of God, she should have the power of dismissing him, or of making satisfaction for him. And it is our will, that those who are found to be such, should be dragged from the threshold of the church, &c.

Note. The privilege of sanctuary extended only to those who acknowledged their crimes.

Ans. 16. Because the world has *four* cardinal points, and man consists of *four* elements, *i.e.* earth, air, fire, and water; and the mind has *four* virtues, viz. prudence, temperance, fortitude, and justice; and the *four* rivers of paradise (types of the *four* gospels) flow to irrigate the entire earth; the number *four* is therefore known to be perfect, and the ancient fathers for this reason instituted the fast of the four (*Ember*) seasons.

Note. The remainder of the Answer is a tedious proof that the Fathers of the Old Testament observed the Ember weeks. He cites the *Antiphonary* given by Gregory to Augustine, and tells us that the Church of England (during Advent) not only kept a stated fast on Wednesday, Friday, and Saturday, but for twelve days together, with fasting, watching, prayer, and almsgiving, before our Lord's nativity; and that this was observed by all, laity as well as clergy. The Ember weeks, according to the Roman usage, were the first week in March, the second week in June, the third week in September, and the week before Christmas-day. St. Gregory however ordered the English to observe the first three thus: in the first week in Lent, in Pentecost week, and in the week before the autumnal equinox.

Spelm. i. p. 234. *Letter of Pope Boniface*, A.D. 742. "If a virgin hath polluted her father's house with fornication, or if a married woman hath committed adultery, in ancient Saxony, sometimes they compel her to hang herself, and hang her seducer over the body after having burned it: at other times a number of women collecting together flog her through all the neighbouring villages, striking her with rods, cutting off her garments, and cutting and pricking her whole body with their knives."

Wilk. i. p. 98.—*Cuthbert's Canons at Cloves-Hoo*, A.D. 747.

Can. 26. Let not any man's alms be given to the hungry that he may gorge himself with revelling and drunkenness, or that he may with impunity fulfil the lusts of the flesh. Lastly, let not alms (according to the new invention, and as is the pernicious custom of many) be given to diminish or alter the satisfaction (*to be made*) by fasting, or the other works of expiation.

Can. 27. ..... We must speak of this more at length, because a certain man, rich in the things of this world, desiring speedy reconciliation for a great crime of his, affirmed in his letter

that (as many assured him) his sin was so fully expiated, that if he could live three hundred years longer, although he should seldom or never fast, *it was remitted in consideration of the psalmody, alms, and fasting of other people.* If then the divine justice can be appeased by others, why is it said, O foolish promisers, that "it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of God," when they can with bribes purchase the innumerable fastings of others for their crimes?

WILK. i. p. 105.—*Archbishop Ecgbert's Excerptions*, A.D. 750.

Ex. 62. *An Irish canon.* Let the man who hath raised his hand with a spear or sword to strike any one near a bishop, redeem his hand or lose it: but if he hath wounded him, let him shave his head and beard, and serve God (*in a monastery*); first making satisfaction to the bishop and him whom he hath wounded.

Ex. 162 and 163. If a presbyter or a deacon commit murder, let him be degraded, and do penance to the end of his life. If a clerk commit murder, let him as a penance be banished for ten years, (and live) during three of them upon bread and water: and if (*after his return*) he make not satisfaction to the parents (of the deceased), let him never be received into his country, but let him be like Cain, a wanderer and a vagabond over the face of the earth.

Note. Immediately after the *Excerptions*, there appears in the Cottonian MS. the following severe regulation with respect to excommunicate persons: "Let not food be given into the hands of one that does penance as an excommunicate, but let it be laid before him on the ground; and let not the remainder be taken by any man or given to the poor, but cast to the swine, or let the dogs eat it: and let not such a penitent wash himself in a bath, nor trim (his hair or beard), nor cut his nails, nor sleep in a bed, even of straw, but on the bare pavement. Let him go unarmed, barefoot, clothed in sackcloth; let him mourn for his sins night and day; let him not enter into the church; let him abstain from flesh and wine, and from the embraces of his wife."[w]

IBID. p. 117.—*The Pœnitential of Ecgbert, Archbishop of York*, A.D. 750.

B. i. *Ch.* 6. If a priest should travel in his own province or in any other, and if in the course of his journey baptism is requested of him, and he refuses, lest he should be detained in his journey, if the child should die a heathen, let him (i.e. *the priest*) be despoiled of his order.

Ch. 19. If any man or woman shall vow to observe celibacy, and afterwards engage in a lawful marriage, let such a person not neglect to fast for three winters; since a vow which was foolish and impracticable has been violated.

B. ii. *Ch.* 3. Directs a priest to receive the confession of a dying malefactor; to sooth his last moments; and not to refuse him the eucharist: "and if he should be so much weakened by sickness as to be unable to speak, yet if he have the testimony of those who are

[w] Johnson.

with him of (*his desire*) to confess, and receive the eucharist, the priest shall give him absolution."

Ch. 10. In the doctrine of the holy apostles, it is directed that if a man at the last shall desire to receive the body of Christ, it shall not be denied him, even although he should not have made full satisfaction (*for his crime*); because this is his viaticum, and (*the viaticum*) of all those who enter the kingdom of God.

Ch. 11. Let the priest prescribe penance according to the nature of the crime; and if it be so gross that it ought to be prescribed by the bishop, let him be taken there: but if he cannot go to the bishop, let the priest discharge the office of his vicar.

Ch. 12. These customs are observed among christians beyond sea: every bishop sits on the episcopal throne on the Wednesday before the Lenten fast, which is called the "*caput jejunii;*" on which day every one who is polluted by the commission of capital crimes, belonging to that province, ought to go to him and confess his sins. He (*i.e.* the bishop) then prescribes to every one a penance according to the nature of his crime, and then, with his permission, (*the penitent*) returns home. Afterwards, on the Thursday before Easter-day, all assemble at the same place, and the bishop chants over them and gives them absolution, and thus they return home with his blessing.

B. iv. (p. 140.) If any person cannot endure the severe fasting which his confessor has enjoined him, he may redeem his fast with works of piety, and with his worldly possessions. If he be rich, let him give for twelve months' fasting, thirty shillings; if he be not, let him give twenty or ten shillings, (*according to his means*); but if he be a poor man, let him pay three shillings: but let it be in all cases the sterling shilling of twelve halfpence (*obolorum*). Alms of this description are to be divided into three parts: let one part be laid upon the altar of God; another be applied to the redemption of men from slavery; and let the third be reserved for the necessities of the clergy.

One day's fasting may be redeemed with a penny, or with two hundred psalms: or in another way; if a man shall sing "*O Lord, have mercy upon me*" twelve times, and the *Lord's Prayer* twelve times, and at the end of each versicle prostrate himself upon the earth before God's altar. If a man should be ignorant of psalmody, then for one day's fasting let him sing the Lord's Prayer fifty times, prostrating himself the same number of times upon the earth. Any one may redeem a seven years' fast in twelve months, by singing the psalter every day, another at night, and fifty (psalms) in the evening.

A seven days' fast may be redeemed with a single mass; and with *ten* (*masses*) four months' fasting may be redeemed; and with twenty masses seven months' fasting may be redeemed; and with thirty masses twelve months' fasting may be redeemed.

Note. In the laws of king Edgar, A. D. 967, *Cap.* 18, rules are laid down for the commutation of penance exactly similar to the above.

If any one shall swear *between the hands* (*inter manus*) of a bishop, priest, or deacon, or upon the altar, or a consecrated cross of Christ, and commit perjury, let him fast for three years: but if any one shall commit perjury upon an unconsecrated crucifix, let him fast for one year.

WILK. i. p. 233.—ARCHBISHOP DUNSTAN'S PENITENTIAL, A.D. 960.

Cap. XXIX. If a man shall slay an ordained person, or his own nearest kinsman, let him forsake his country and possessions, and do as the Pope shall direct him, and always lament it.

Cap. XLIV. If, through the negligence of a priest, a sick child die a heathen, let him forfeit his orders, and carefully make satisfaction.

¶ *Concerning satisfaction for sin.*

Cap. X., &c. A severe penance is this—that a layman lay aside his weapons, and make a long pilgrimage barefoot, and never pass two nights in the same place; that he fast, watch, and pray, diligently by day and by night, and suffer not iron to touch either his hair or his nails; that he use not the warm bath, or taste flesh. No man in the world hath so offended God by his sins but that he may (*thus*) make satisfaction. If a man possess riches, let him found a church to the honour of God; and if he can afford it, let him add a grant of land, and admit ten young men there to officiate for him and daily minister to God: and let him repair the churches of God, and the public roads, and build bridges over deep rivers: let him emancipate his own slaves, and purchase from others the liberty of their slaves, &c. Let him endure the cold, and the cold bath, to subdue the heat of lust, &c.

¶ *Concerning great men.*

Cap. I., &c. A powerful man, and one who has many friends, may, by the assistance of his friends, very much lighten his penance. A seven years' penance may be thus completed in three days. In the first place, let him take twelve men to assist him, and let them fast three days with bread, water, and green herbs: and to do it completely, let him procure, as well as he can, seven times an hundred and twenty men, each of whom is to fast for three days; and thus will as many days be fasted as there are days in seven years.

Cap. III. When a (*wealthy*) man fasts, let him distribute the meat which he would otherwise have used to all God's poor; and during the three days of his fast let him neglect all worldly business, &c.

IBID. p. 276.—*Capitula made in king Æthelred's reign*, A.D. 994.

Cap. XXXI. There are eight very great sins, but they are few indeed who do not transgress in some or all of them: these are,

gluttony, fornication, *carnal grief*, avarice, vain-glory, envy, anger, and pride.

Cap. XXXVI. In *seven* ways are sins forgiven: viz. 1. in baptism; 2. by martyrdom; 3. by almsgiving; 4. when we forgive those who trespass against us; 5. if a man converts others from the error of their ways; 6. by charity; 7. by repentance.

Cap. XXXVII. During Lent men ought to eat no meat till the tenth or twelfth hour, except on Sundays; for these days are the tithe of the year.

WILK. i. p. 295.—*Ecclesiastical Laws of King Æthelred*, A.D. 1012.

Cap. II. Every christian who is of age shall fast for three days upon bread, water, and raw herbs, before Michaelmas. And let every man go to confession at the church barefoot, and there renounce all his sins. And let every priest go in procession with his people for three days barefoot; and let him moreover sing thirty masses, and every deacon and clerk thirty psalms. And let every one prepare provision for three days, in food and in drink, but without flesh, such as he himself ought to have used, and let him distribute it among the poor. And let every servant be excused from work these three days, that he may fast the better; or let him work for himself if he will. If any one shall violate this fast, if a slave, let him be beaten; let a poor freeman pay thirty pence, and a king's thane one hundred and twenty shillings.

Note. This was a publicfast appointed in consequence of the hostile incursions of the Danes.

IBID. p. 314. In the synod of Llandaff, held under Hergualdus, the twenty-ninth bishop, A.D. 1059, the bishop, assembling the clergy, in full synod anathematized the whole family of king Catgucaunus, placing the crucifixes and the holy relics upon the ground, and reversing the bells (*versis cimbalis*) at the same time, and choking up the entrance of the church with thorns: and thus it remained day and night without the holy offices and without a pastor.

Note. For the form of an interdict, see p. 37, *Note.*

IBID. p. 366.—*Injunctions for penance, to be imposed upon those who had slain others in battle,* (*made about* 1076, *under Lanfranc*).

Cap. I. Let him who knows that he has slain a man *in the great battle*, do penance for a year for every one (*whom he hath slain*).

Cap. II. For every one whom he hath wounded, if he know not that he died of the wound, forty days' penance.

Cap. III. If he know not the number of those whom he hath wounded or slain, let him do penance one day in every week as long as he lives, at the discretion of the bishop. Or, if he can afford it, by founding or endowing a church let him redeem it with perpetual alms.

Cap. IV. Let the man who intended to wound another, but did not do so, do penance for three days.

Cap. v. Let any of the clergy who may have fought or taken arms, (which is contrary to the canons,) do penance as if they had transgressed in their own country.

Note. The clergyman's penance for murder was perpetual imprisonment, or at least living close in a monastery on hard fare.[x] And here let it be noted, that in the year 967, a penance of three years was imposed upon the man who slew any of his cattle in a fit of passion.

WILK. i. p. 382.—*Council of London, under Archbishop Anselm,* A. D. 1102.

Can. 19. That monks enjoin not penance to any, unless by the permission of their abbot.

IBID. p. 417.—*Legatine Council of London,* A. D. 1138.

We prohibit the celebration of divine service, and the tolling of a bell, in the presence of an excommunicated person.

We command also that the bodies of the excommunicate remain unburied: whosoever shall place them in a cemetery, or in stone, wood, or water, or in the houses of the clergy, shall be excommunicated by the priest of that parish, nor shall he be absolved except by the bishop of that province, after undergoing a year's penance.

Whosoever shall knowingly converse with an excommunicated person, shall be considered excommunicate, just as if he had been sentenced by name; (*and*) although the king should hold converse with him, whithersoever he may come, let not the holy office be celebrated or the bell rung in his presence. Let all priests who shall presume to do so, be excommunicated by their diocesan, degraded from their orders, and deprived of their ecclesiastical benefices.

We command that the bodies of those who have been excommunicated be removed from the cemeteries in which they have been buried, before the festival of Easter next ensuing.

TEXTUS ROFFENSIS, *ex edit. Hearne,* p. 55, contains the following form of EXCOMMUNICATION: "By the authority of Almighty God, Father, Son, and Holy Ghost, we anathematize this malefactor NN, and separate him from the threshold of God's holy church, to be consigned to eternal punishment with Dathan and Abiram, and with those who said unto our Lord God, 'Depart from us, we desire not the knowledge of thy ways;' and as fire is extinguished by water, so let his light be extinguished for ever and ever, unless he shall repent and make satisfaction. Amen. May God the Father who created man curse him; . . . . . may the holy cross which Christ ascended for our salvation, triumphing over the enemy, curse him. Let him be accursed *wherever* he may be, whether in the house or in the field, &c. Let him be accursed in all the powers of his body, both within and without, and in all the joints of his limbs; so that

[x] Johnson.

from the top of his head to the sole of his foot there may be no soundness in him. May Christ the Son of the living God with all the power of his majesty curse him; and may heaven with all the powers which move within it rise up in condemnation against him, unless he shall repent and make satisfaction; FIAT, FIAT, AMEN." At which words the bells were rung, the crucifix with the images of the saints were placed upon the ground, and all the candles were trampled upon and extinguished. Ernulphus, bishop of Rochester, who composed the *Textus Roffensis*, flourished about A. D. 1116.

WILK. i. 422. In *the legatine council of London*, A. D. 1143, it was decreed, that "whosoever should lay violent hands on a clerk, should be absolved only by the Pope, and in his presence:" also "that plows in the fields with the husbandmen shall enjoy the same protection as if they were in a churchyard."

IBID. p. 488. In the year 1181, according to Hoveden, Roger, archbishop of York, publicly excommunicated William, king of Scotland, and placed all his dominions under an INTERDICT.

IBID. p. 502.—*Legatine Council at York, under Hubert, Archbishop of Canterbury*, A.D. 1195.

Cap. XVI. To those who are upon the point of death, penance is to be *intimated*, but not imposed; but let them be strictly enjoined that, if they recover, they will go to the archbishop, bishop, or general confessor of the diocese in their absence, that a proper penance may be imposed upon them.

Note. He is here speaking of excommunicated persons.

IBID. p. 505.—*Council at London (Westminster), under Archbishop Hubert*, A. D. 1200.

Can. 4. We enjoin all priests, in imposing penance, to attend carefully to the nature of the sin, as well as the circumstances, piety, &c. of the penitent: and let no penance be imposed upon a wife, which may lead her husband to suspect her of some secret or enormous crime. We also put this check upon the avarice of priests, that masses be not enjoined as a penance, except to priests.

Can. 7. That prelates pronounce not a sentence of suspension or excommunication against their subjects *without first giving canonical warning*, unless it be for a crime which incurs the penalty of *ipso facto excommunication.*

Note. Anciently men were only excommunicated *when convicted of crime;* but one of the greatest innovations of the 13th century was a *general* sentence of excommunication, which extended to the most secret hidden actions, and to sins committed *after* the sentence had been pronounced. The latter part of this canon proves that bishops sometimes delegated to others the power of imposing penance in reserved cases.

IBID. p. 548.—*Council of Dublin*, A.D. 1217.

Presbyters are to be visited with a grievous punishment who dare

to seduce their own daughters, whom they have baptized, or whom they have (*even*) once admitted to confession.

WILK. i. p. 577.—*Council of Durham*, A.D. 1220.

Let such a penance be imposed upon married women, that their husbands may not suspect them of any secret or enormous crime: and let the same be observed with respect to married men.

Let the confessions of women be heard in an open space without the (lenten) *veil*, so that they may be seen, but not heard, (*by those who are in the church*).

Note. For in this age the attempts of the priest upon the chastity of his penitent were by no means uncommon, as is clear from some extracts in chap. iii. § 3, which I have placed there as proofs of the demoralizing effect of the law of clerical celibacy.[y] This was indeed so common, that three of the Popes (Paul IV., Pius IV., and Gregory XV.) decreed, that a penitent was bound, on pain of mortal sin, to denounce her confessor, if he should solicit her chastity; which was afterwards confirmed by Popes Benedict XIV. and Alexander VII. The following evasions were however resorted to: "*Prop.* 6. Confessarius qui in sacramentali confessione tribuit pœnitenti chartam postea legendam in quâ ad venerem incitat, non censetur solicitare in confessione, et proinde non est denunciandus. *Prop.* 7. Modus evadendi obligationem denuntiandæ solicitationis est si solicitatus confiteatur cum solicitante: hic potest illam absolvere ab obligatione denuntiandi."[z] Moreover, the constitutions of Paul IV., &c. were not received in many of the German dioceses.

Let confessions be heard thrice a-year, viz. at Easter, Pentecost, and Christmas. In confession, let the priest have an humble countenance, and fix his eyes upon the ground; and let him not look at the face of the penitent, especially if it be a woman. Sins of ordinary occurrence should be particularly inquired into, but unusual sins only by remote inferences, and circumstantially, lest, when they hear of crimes which they had never before thought of, persons should be thus led to commit sin. Let not the priest *or deacon* inquire respecting the penitent's companions in guilt; and let atrocious crimes be reserved for prelates (*majoribus*), viz. murder, sacrilege, unnatural offences, incest, the violation of virgins or nuns, laying violent hands upon parents or clerks, breaking vows, &c. There are some cases, &c. in which none but the Pope can absolve. The absolution however of such offences is not to be refused to any man in his dying moments.

That no priest, through anger, hatred, the fear of the church, or the fear of death, presume to reveal a confession, *in any way*, either by words or by signs, generally or specially, as, for example, by saying, "*I know what sort of persons you are*," on pain of losing orders and benefice; for if convicted of having done so, he shall be degraded without mercy.

[y] See p. 146.

[z] Propos. Damnat. ab Alexandro VII., apud Schram, cap. xvii. § 1102, et Coroll.

In cases of theft, and crimes of the same nature, let not penance be enjoined without restitution.

Since the love of many waxes cold, so that not merely ordinary sins are multiplied, *but even new and unheard-of sins are devised and perpetrated*, let two confessors at least be appointed, in the church of Durham, to hear public penitents on Ash-Wednesday.

Note. This paragraph chiefly refers to confessions made by the clergy.

That in every deanery there be two or three pious men, who are to give notice to the bishop of the notorious vices of the dignified clergy (*prælatorum*), parsons, and other clerks.

WILK. i. p. 585.—*Council of Oxford, under Stephen Langton,* A.D. 1222.

By the authority of God the Father, and the blessed Virgin, and all the saints, we excommunicate all those who deprive churches of their rights; all those who presume to disturb the peace of our lord the king; all those who knowingly bear false witness, &c.

Note. In this GENERAL SENTENCE there are specified a great many crimes; and all the spiritual effects of excommunication were supposed to fall on men the very moment the forbidden action was perpetrated, and before they were detected; although, of course, it was only binding *in foro conscientiæ*. The sentence was to be read by every parish priest, in his holy vestments, in the mother tongue, at Christmas, Easter, Pentecost, and All-hallows, with bells tolling and candles lighted.[a]

IBID. p. 624.—*Constitutions of William de Bleys,* A.D. 1229.

Cap. IX. If a man, from some reasonable cause, shall desire to confess his sins to a different priest, let him first request permission from his own (*parish*) priest, which shall be always granted him, with a saving to the rights of his own church.

IBID. p. 645.—*Constitutions of Alexander, Bp. of Coventry,* A.D. 1237.

In all confessions the following circumstances are to be considered: "Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando? Quis, cujusmodi persona, si clericus vel laicus?"

IBID. p. 689.—*Constitutions of Richard, Bishop of Chichester,* A.D. 1246.

Let priests send public penitents, with letters declaring the whole truth, to the penitentiary of the bishop, and let them not be considered as absolved after their return, unless they bring letters from the bishop or his penitentiary, announcing the nature of the penance which has been imposed upon them.

Note. In the same constitution several reserved cases are specified, viz. murder, witchcraft, unnatural offences, broken vows, perjury, abortion, and the falsification of a will.

[a] Johnson.

WILK. i. p. 732.—*Statutes of Walter and Simon, Bishops of Norwich,* A. D. 1257.

That when the laity go to confession, they be diligently examined as to whether they know the Lord's prayer, the creed, the salutation of the blessed Virgin, and how to cross themselves properly.

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WILK. II. p. 170.—*Constitutions of Gilbert, Bishop of Chichester,* A. D. 1289.

Cap. XI. That rectors, or their priests, attend at every chapter, and inform us of the excesses of their parishioners.

IBID. p. 175. In a mandate of archbishop Peckham, for the observance of the Sabbath, A. D. 1291, we read, "And if any priests shall presume to celebrate divine service in the presence of those who are notoriously contumacious, let them be *ipso facto* suspended from office and benefice."

IBID. p. 513.—*Constitution of Archbishop Walter Raynold,* A. D. 1322.

When a man confesses his sin, and yet will not abstain from it, absolution cannot be given: for we never read of pardon conferred on any without reformation.

Let the priest who hath revealed the confession of any man by signs or words, be degraded without any hope of reconciliation.

IBID. p. 745, A. D. 1348. In a time of plague, Ralph, bishop of Bath and Wells, wrote to this effect: "On account of the horror of contagion, many, as we have heard, die without the sacrament of penance, not believing that, even in cases of necessity, the confession of sins made to any but priests, who have the power of the keys, can be useful or meritorious: a man, however, in the agonies of death, if he cannot procure a regularly ordained priest, may, according to the apostle, confess his sins even to a layman, or to a woman, if no man should be near at hand; and such a confession is both wholesome and profitable for the remission of sin. But if there should not be a priest to administer the sacrament of extreme unction, as in other (*holy ordinances*), the *faith of the sacrament* ought to suffice." In this *mandate,* the laity to whom dying persons have confessed are strictly enjoined to secrecy, and to preserve inviolate the *sigillum confessionis.*

CONCILIA MAGNÆ BRITANNIÆ, &c., EDIT. WILKINS, VOL. III.

WILK. III. p. 72.—*Constitution of Archbishop Thoresby of York*, A. D. 1367.

Thirty-seven cases are specified, reserved to the jurisdiction of the bishop or his penitentiary, and in which a priest could not lawfully absolve, unless the penitent was in the agonies of death. Among these are mentioned, heresy, unnatural crimes, murder, sacrilege, notorious adultery, perjury, &c.

IBID. p. 118, A. D. 1377. The archbishop of Canterbury placed the city of Lynn under an interdict, because some of the inhabitants had presumed to lay violent hands upon the bishop of Norwich, and to strike and otherwise maltreat some of his train. The perpetrators of this outrage (who were at this time unknown) were also to be publicly and solemnly excommunicated, with bell, book, and candle.

IBID. p. 131. Mandate of Simon de Sudbury, archbishop of Canterbury, against collectors (*quæstores*), A. D. 1378: "Who, with the greatest audacity, deceiving many souls, and deluding the Christian laity, preach, throughout our diocese and province, indulgences, and false and frivolous remissions of sin."

IBID. p. 186. *Letter of the archbishop of Canterbury to the confessor of king Richard II.*, A. D. 1384, entreating him to exert his influence with the king, so as to induce him to respect the rights and liberties of the church.

IBID. p. 361.—*Articles of reformation, presented by the University of Oxford to the King*, A. D. 1414.

Art. VI. As formerly the children of Israel, from the constant use of it, loathed even manna, the sweet food of angels, so in the present day the grant of papal indulgences is so prodigal and lavish, that they are commonly looked upon as mere articles of traffic, and have thus become contemptible and vile; whilst others are rendered (*by this facility of procuring indulgences*) more prone to sin, and more tardy in bringing forth the fruits of repentance: and therefore it appears expedient to provide a remedy for the premises.

Art. XXXIV. Since many parishioners, noble or ignoble, male or female, having committed some vile and detestable crimes, being ashamed to confess to their own curate, receive (*a general*) absolution from some ignorant and illiterate friar; it seems expedient that a remedy should be provided by the bishops.

Art. XXXIX. WHEREAS the shameless pardoners purchase their vile occupation in farm, like Simon (*Magus*); sell indulgences like Gehazi; and profligately squander away their gains, like the prodigal son: but, what is still more detestable, although they are not in holy orders, they publicly preach, and falsely pretend that they have a full power of absolving both the living *and the dead* from

the guilt and punishment of sin; with other blasphemies with which they cheat and seduce the people, and in all probability draw them down to hell along with themselves, by giving them vain hopes and a recklessness in sin: let the abuses of this pestilent heresy be obliterated from the thresholds of the church.

WILK. iii. p. 391.—*Concordat of Pope Martin V. to the English Church*, A.D. 1419.

Art. II. WHEREAS, in consequence of divers indulgences granted by the apostolic see, absolving those who may visit or offer at certain shrines, and the number of pardoners, who at this time abound more than usual in England, persons frequently become hardened in vice; or, despising their own curates, and neglecting their parish churches, resort to these places, with a view to obtain indulgences, and confess there, withdrawing their tithes, oblations, and other dues from the said parish churches, or unjustly delay the payment thereof: we commission the several dioceesans to inquire respecting their nature, with a power of suspending, by apostolic authority, those which they find most scandalous, and of denouncing them to the Pope, that he may revoke them utterly.

IBID. p. 537. In a *mandate of the archbishop of Canterbury*, A.D. 1442, published with a view to increase the revenues of Eton college, he says, that the Pope had granted "as great indulgences to all who should visit that place, on the festival of the assumption of the blessed Virgin Mary, in whose honour the collegiate church was dedicated, as to those who visited St. Peter's at Rome: and lately, by a more liberal grant of special favour, the same blessed father hath granted, with an apostolic kindness, to all those who shall resort thither on the said day of the assumption, a plenary and express remission of all their sins: which we never remember to have been granted by any of the Roman pontiffs to any other place."

IBID. p. 577. In *the convocation*, A.D. 1460, amongst other articles which required reformation, it was stated, that in consequence of the general sentences of excommunication,[b] "a considerable portion of the people of England are implicated in censures and sentences of excommunication."

IBID. p. 602. In the *council of the province of York*, under archbishop Neville, A.D. 1466, complaint was made, that certain pardoners, "with the greatest rashness and effrontery, and to the manifold deceiving of souls, grant indulgences to the people by their own authority; dispensing with vows; absolving perjurers or murderers; remitting in cases where goods had been dishonestly acquired, on receiving money; remitting a third or fourth part of the penance enjoined; liberating, as they mendaciously assert, the souls of three or four of the relations or friends of those who give them alms, from purgatory, and translating them into the glories of

[b] See p. 342, *Note.*

paradise; granting to the benefactors of those places where they exercise their craft a plenary remission of all their sins; and freeing them, to use their own words, '*a pœnâ et culpâ.*'"

§ II.—VARIOUS TEMPORAL LAWS.

Concilia Magnæ Britanniæ et Hiberniæ, Edit. Wilkins, Vol. I.

Wilk. i. p. 29.—*King Ethelbert's Ecclesiastical Dooms*, a.d. 605.[c]

Cap. i. Let God's fee and the church's fee be compensated by a twelvefold mulct, a bishop's by an elevenfold, a priest's by a ninefold, a deacon's by a sixfold, and a clerk's by a twofold mulct, and a monastery's peace is a twofold mulct.

Cap. ii. If the king shall call his people to him, and any one do them an injury, let double compensation be made, and fifty shillings paid to the king.

Cap. iii. If the king shall be feasting in any man's house, and any mischief be done there, let double compensation be made.

Note. He who robbed a church paid twelve times the value of the thing stolen; and he who broke the peace of the church paid as much again as he who broke the king's peace. The king contented himself with the satisfaction which he granted to a simple priest. A remarkable passage to this purpose occurs in the *Textus Roffensis*, drawn up by Ernulphus, in the reign of Henry I.: "By the Kentish law, the church of Christ, and the king, and the archbishop, have the same forfeiture due to them for the violation of protection: and by that law, chattels stolen from the archbishop shall be restored *elevenfold*, but chattels stolen from the king *ninefold* only."[d]

[The following, not having been published by Wilkins, I have taken from Johnson's *Collection*.]

Cap. vi. If a freeman commit adultery with a freeman's wife, let him submit to his *weregild, and purchase another woman with his own money, and bring her to the other man in her stead.*

Note. Adultery was therefore punished as murder, for the *weregild* (sometimes called the *were*) was the mulct for murder, varying according to the dignity of the person slain. Pecuniary commutations of punishment were also in use among the ancient Germans.[e] That women or wives were usually bought, see Laws of Ethelbert, cap. lxxvi.

Wilk. Concil. i. p. 59.—*Ecclesiastical Laws of Ina, King of West Saxony*, a.d. 693.

Cap. vi. If a man shall fight in the king's house, let him lose all his inheritance, and let the king determine whether he shall have

[c] From the Textus Roffensis.
[d] Johnson.
[e] See Tacitus's Germania, c. xii.

his life or not. If any one shall fight in a church, let him be fined one hundred and twenty shillings; if in a senator's house, sixty shillings: and although the fight shall take place in the open field, let one hundred and twenty shillings be paid in lieu of punishment. But if a quarrel should arise at the common table (*of the tithing*), and one of them patiently contian himself, let the other pay a mulct of thirty shillings.

Cap. VII. (13). If a man falsify his testimony or his faith *given in the bishop's presence,* let him make compensation with one hundred and twenty shillings.

Note. "One reason (says Johnson) why the bishop sat on the temporal bench with the alderman, was that he might tender oaths, which were taken *on the bishop's hand,* or on a cross holden in his hand. Long after the two jurisdictions were entirely separated, Gerv. Dorob. tells us that difficult causes, which could not be determined in the king's court, *were decided by the archbishop at the south door of Christ's church, Canterbury.*

[The following, not having been published by Wilkins, I have taken from Johnson's *Collection,* sub. ann. 693.]

Cap. VIII. If a man shall buy a slave or freeman of his own nation (though he be a malefactor) and send him beyond sea, let him pay his weregild, and *make deep satisfaction to God.*

Note. "*i.e.* undergo a severe penance. One reason why the bishop sat with the alderman was, that he might enjoin such penance as the criminal deserved."[f]

Cap. IX. If a man be charged with robbing in a very large gang, let him either pay his *weregild,* or make his *purgation,* &c. Half of them who take the oath shall be frequenters of the communion.

Note. Compurgators did not profess to know anything of the fact, but swore generally that they believed the man to be innocent; and from the remainder of this doom it appears that men's *oaths were valued according to their wealth.* None were allowed to be *compurgators* but such as were worth one hundred and twenty *plow-lands,* (a plow-land being about thirty acres, though others say fifty): but the oath of one who frequented the communion was laid higher than his who was worth one hundred and twenty plow-lands."[g] Compurgators were sometimes required to the number of *three hundred.*[h]

Cap. XI. If a foreigner be slain, let the king have two shares of the *were,* and the son or kindred the third share. If a foreigner be a tenant, he is laid at one hundred and twenty shillings; his son at one hundred; a slave at sixty shillings, some at fifty: a stranger's *hide* is laid at eleven shillings. A stranger, if he have five *plow-lands,* is estimated at six hundred shillings.

Cap. XII. Satisfaction shall be made for breaking into the king's house (or a bishop's, where his see is) with one hundred and twenty shillings; the alderman's with eighty shillings, &c.

Cap. 76. (WILK. CONCIL. i. 59.) If any one slay the godson or godfather of another, let the satisfaction paid to the godson

[f] Johnson. [g] Ibid. [h] See Hume's First Appendix.

be the same as the satisfaction paid to the lord. If it be the king's *godson*, let the weregild be paid to the king as well as to his relations; but if he shall have opposed himself to the person who slew him, then the godfather is to lose his compensation in the same way as the lord loses his mulct.

Note. Here we have the *mægbote* paid to the spiritual or natural relations, and the *manbote* paid to the feudal lord for killing his vassal; both of them distinct from the *weregild*, which was divided between the king and the family of the deceased.

WILK. i. p. 61.—*Council of Berghamsted*, A.D. 696.

Can. 26. If any one shall detect a freeman in the act of theft, let the king choose one of these three things: either to slay him, or to sell him beyond sea, or to receive his *weregild* as a ransom.

Can. 28. If a traveller or a stranger shall go out of the road, and then neither shouts nor blows with a horn, let him be condemned for a thief, and be either slain or ransomed.

Note. Johnson remarks in his Appendix, that the person who met him was apparently judge, jury, and executioner.

IBID. p. 83.—*Dialogue of Egbert, Archbishop of York*, A.D. 734.

It is determined that the violators of nuns shall be fined thirty *sicles*, i.e. *double* the fine for simple fornication; the *sicle* being about the value of two pence. From this Dialogue (Ans. 10, n.) Johnson proves that the Northumbrian bishops had courts distinct from the temporal, and that the ecclesiastical judicature sometimes reversed sentences passed in the temporal court.

IBID. p. 107.—*Excerptions of Egbert, Archbishop of York*, A.D. 750.

Ex. 96. A boy, till he is fifteen years old, is to be chastised with corporal punishment; but after this age, if he should steal, &c., let him suffer the penalty of the law.

IBID. p. 179.—*Civil Laws of Kenneth, King of Scotland*, A.D. 840.[1]

Cap. I. II. III. Let there be a judge in every department; let their sons from their earliest infancy study the laws; and let such alone have in their custody the tables of the law, and the charters of kings and nobles.

Cap. IV. If any of them shall be accused of false accusation (*falsi criminis*), let him be impaled (*furcâ vitam finiat*), and cast forth unburied.

Cap. V. VI. Hang a thief; behead a murderer; and if a woman hall be convicted of a capital offence, drown her or bury her alive.

Cap. VII. VIII. Cut out a blasphemer's tongue; take away the sword of him who has brought a lying accusation against his neighbour, and avoid all communication with him.

[1] From Boethius.

Cap. IX. Let seven men of approved respectability (or nine, eleven, thirteen, or any greater number, provided it be unequal) judge those who are arraigned for capital offences.

Cap. XII. Let not a wife suffer for her husband's crime; but a man shall be accountable (*viro autem fraudi erit*) if with his knowledge his wife hath transgressed in any respect.

Cap. XIV. Let the man who hath forcibly dishonoured a virgin be punished with death, unless she who hath been violated should demand the person who hath injured her for a husband.

Note. In *Legibus Wallicis* quandam statutum est ut virgo stuprata, unâ manu tenens genitalia raptoris sui, alterâ vero super altare positâ, juraret, "*quod is per vim se isto membro vitiaverit.*"[j]

Cap. XVI. If a son shall have injured his parents with his tongue, foot, or hand, let him be deprived of that limb, crucified, and then cast forth unburied.

Cap. XVIII. Burn all witches, dealers with the devil, &c.

Cap. XX. If a man shall suffer arable land to be injured by the growth of noxious herbs, for the first offence let him be fined an ox, for the second ten, and for the third let him be expelled from (*the occupation of*) those lands.

Cap. XXI. Suffer an enemy to remain unburied.

Cap. XXII. Let strayed cattle be restored either to the owner, or to the thief-taker, (called *tocioderach,*) or to the priest: if, however, you should retain it in your possession for three days, you shall be judged guilty of theft.

Cap. XXIII. Let the man who has found any thing belonging to his neighbour, cause it to be proclaimed by the public crier, or let him be punished as a thief.

Cap. XXVI. If a sow shall have devoured her own young, let her be stoned to death, and eat not her flesh.

WILK. i. p. 180.—*Religious Laws of King Kenneth,* A.D. 840.

Cap. III. To hurt a priest of Christ by word or deed is a capital offence.

IBID. p. 186.—*The Laws of Alfred the Great,* A.D. 876.[k]

[As these laws commence with the decalogue, and also with many penal statutes from Exodus xxi. xxii. and xxiii., it appears that Alfred adopted the criminal code of the Mosaic law.]

IBID. p. 192.—*Ecclesiastical Laws of King Alfred,* A.D. 876.

Cap. V. If any one shall steal any thing on the *Lord's day, Christmas-day,* Easter, &c., let him forfeit double.

Cap. IX. If any man shall fight or draw his sword in the presence of the archbishop, let him pay a fine of one hundred and twenty shillings. If in the presence of a bishop or alderman, one hundred shillings.

[j] Leges Wallicæ, p. 80.

[k] Text. Roffens.

Cap. XIII. Servus servam stuprans castretur.

Cap. XIV. If a man shall accuse another of having violated his promise solemnly pledged before God, let him swear against him in *four churches;* and let the other, if he would clear himself from the crime, do the same in *twelve* churches.

Cap. XV. If a man shall draw his sword before the *king's priest,* let him pay thirty shillings.

[*Cap.* XIX. We command that he who knows his foe to be at home, assault him not till he have first demanded right of him. If he have strength sufficient to beset and confine him, he may do it for seven nights, but not assault him if he keep within doors. And if he will within seven nights come to hand and surrender his arms, let him keep him safe for thirty days, &c. A man may make assault without mulct if he find another man with his wife, daughter, or sister.[1]]

WILK. i. p. 202.—*Ecclesiastical Laws of Edward the Elder,* A.D. 905.

Cap. II. If a man reject Christianity, or venerate paganism by word or deed, let him pay his *weregild,* or a fine in proportion to the fact.

Cap. III. If any clerk shall steal, fight, &c., let him make compensation according to the fact, either with his *were* or a mulct. Let him also make satisfaction to God according to the canons, and find a surety, or be cast into prison. If a mass-priest (*mæsse-preost*) misinform the people concerning a feast or fast, let him pay thirty shillings, if an Englishman, and half a mark if a Dane. If he should not procure the chrism, or should refuse baptism to one who requires it, let him pay a *mulct,* among the English, and twelve ores among the Danes. If a clergyman shall have committed a crime worthy of death, let him be apprehended and delivered to the bishop's jurisdiction.

Cap. VII. If a man presume to traffic on the Lord's day, let him forfeit his goods, and twelve ores if a Dane, and thirty shillings if an Englishman.

Cap. X. If a man shall be condemned to have a limb cut off, and shall live for three days, after that term any one may assist him, with the bishop's permission, should he desire ease to his sufferings and his soul.

Cap. XI. That all witches, prostitutes, &c., be utterly banished.

Cap. XII. If a clerk or a stranger be seduced to any thing that affects life or property, then the king, or the earl of that district, or the bishop, ought to be in place of relations or patrons, if he should have no others, &c.

IBID. p. 206.—*King Ethelstan's Laws at Grateley,* A.D. 928.

Cap. III. We decree concerning incantations and barbarous sacrifices and murders, that if any one shall have slain another, and

[1] Johnson.

he cannot deny it, he lose his life. If he still wish to clear himself, and is found guilty in the threefold ordeal, let him be imprisoned for one hundred and twenty days, and then let his relations take him out, on payment to the king of one hundred and twenty shillings; and let them pay the *were* (*of the deceased*) to his relations, and become his sureties that he will always abstain from similar practices.

Cap. VIII. Let the bishop punish contumacy in the reeves of his district.

SPELM. i. p. 404, &c.—*Other Laws of King Ethelstan, not published by Wilkins.*

It is the bishop's province to enforce every law both divine and human. And let him not permit fraud by unjust weights and measures; for it is expedient that all public laws, and all weights and measures, should be adjusted according to his decision. Bishops ought therefore to be present with secular judges in their courts, that erroneous practices may not be suffered to arise. It is proper also that all measuring rods should be equal, and adjusted according to the bishop's measure.

IBID. p. 405.—*King Ethelstan's Laws at Exeter.*

Cap. I. The king by an act of grace forgives mulcts due to him, so that the offenders make peace with the injured parties before rogation-day next.

Cap. II. The king's weregild at the common law among the English is thirty thousand *thrymsa*, viz. fifteen thousand for his person, and fifteen thousand for his kingdom; the first belongs to his kindred, the *kingbote* to the people of the land.

An archbishop or earl's weregild is fifteen thousand *thrymsa;* a bishop or alderman's eight thousand; a general or high reeve's four thousand; a mass thane or a secular thane's two thousand; a common man's two hundred and sixty-seven *thrymsa*, by the Danish law; a stranger's, if he have a family and estate, and pay tax to the king, is two hundred and twenty shillings; if he have but half a plow-land, eighty shillings; and if he have no land, but be free, seventy shillings. If a common man have five hides of land, *or if he have a breastplate, a helmet, and a gilt sword,* let the payment be two thousand *thrymsa.*

Note. Respecting the value of the *thrymsa* or *thrysma,* there is a great difference of opinion. Some lay the value at *three shillings;* others, with greater probability, at a *groat,* or the third part of a shilling.[m]

Cap. III. The oath of him that is rated at twelve hundred shillings, is of as great value as six common men's. The mass priest and the secular thane's oath are the same among the English.

[m] Johnson.

Cap. IV. Formerly the earl, the churl, the thane and the subthane, were honoured according to their merits. If a churl throve, so as to have five hides of his own land, a church, and a *kitchen*, a bell-tower, a seat, and an office in the king's court, from that time forward he was esteemed equal in honour to a thane: and if he had thrice gone on a royal embassy, he might afterwards with his *fore-oath* act in his lord's stead, and impeach men according to law. And if a trader did so improve, as that he passed thrice over the wide sea by his own skill, then he from that time forward was thought to deserve the rights of a thane. And if a scholar made such proficiency in learning, as that he obtained orders and ministered to Christ, he was thought worthy of that dignity and protection that belonged thereto.[n]

The following is the twelfth canon of the synod of London, held in Ethelstan's reign, A.D. 940. "We have charged (*says the bishops*) all that are admitted into our gildship by pledges given, that if one happen to die, every brother of the gild shall give a loaf, and meat sufficient to be eaten with it, for his soul, and sing or cause to be sung, fifty psalms within thirty nights."

HOWEL. *Can. et Decret. Eccl. Brit. &c.*, p. 36, &c.—*Laws of Howel Dha, King of Wales*, A.D. 940 (942), *not published by Wilkins.*

Cap. VI. The office of the priest in the pleas of the court is threefold: to erase causes already decided; to preserve in writing causes not yet determined for judgment; to be prepared to assist the king in writing letters; *and never to get drunk.*

Cap. VIII. An ecclesiaiastic is not admitted (*as a judge*) in capital offences.

Cap. IX. Such is the value of a priest's testimony, that if a thief should make known his accomplices in the presence of a presbyter, his word is to be believed without any hesitation.

Cap. XI. The entire value of all a man's limbs is eighty-eight pounds: the price of any man's blood is twenty-four pence; for it is not fit that the blood of God, which was estimated at no more than thirty pence, should be accounted of less value than that of a man.

Cap. XII. For three causes a woman may depart from her husband, and receive her dowry: viz. if her husband should have the leprosy; *if he should have a fetid breath;* et si cum ipsa coïre non valeat.

Cap. XV. When a divorce takes place, let the goods be thus divided: let the man have the swine, and the woman the sheep. All the vessels of milk, except one pail, shall belong to the woman, and she shall have all the cups but one. The chariot with one yoke, and all the vessels and casks of liquor, shall belong to the man. If the man should soon marry another wife, he ought to send the furniture of the principal bed (*primi lecti*) to the divorced woman. The man shall have the chaldron, the tapestry, the bed (*pulvinar*), the plow, the axe, and the wimble.

[n] See Text. Roffens.

Cap. XVI. If any one shall divorce his wife and marry another, the divorced woman ought, by right, to return home and remain there till the ninth day; in which, if she should be dismissed, let her take with her all that belongs to her.

Cap. XVII. Let an adulterer who denies his adultery do so upon the oath of fifty men, and an adulteress of fifty women.

Cap. XVIII. A woman may be divorced even for a single kiss given to another man—still more for any thing else; and she ought in these cases to lose all her rights.

Cap. XX. or XXI. Let no one give a woman to a man until he pay the price of her virginity to his (feudal) lord: for a virgin is the property of the king.

Note. "Nam olim in quibusdam regionibus Domini feodorum privilegium sibi arrogaverant concumbendi primâ nocte cum uxoribus mancipiorum suorum. Huic tamen consuetudini, quæ valuit in Scotiâ post A.D. 1018, nomen *Mercheta* imposuerunt. Imò in legibus Evani III. Scottorum regis sancitum est ut quævis *nobilissima* virgo regiis amplexibus priùs subjiceretur."[o]

Cap. XXII. There are three persons who may not be sued at law, viz. the king, an ecclesiastic in holy orders, and a monk.

Cap. XXIII. There are three (*classes of*) persons who may not be constituted judges: viz. 1. a man who has any blemish, *i.e.* one who is either blind, deaf, leprous, or a fool; 2. an ecclesiastic in holy orders; 3. a layman who has no privilege of judgment arising from the dignity of his tenure or vassalage.

Cap. XXV. There are nine classes of persons who are to be believed upon their single testimony given upon oath, viz. 1. the (*feudal*) lord (*in a question*) between two (*common*) men; 2. a priest (*in a question*) between two parishioners or monks; 3. a father between two of his sons; 4. a judge, concerning his own decision; 5. a surety, concerning the bail which he hath given; 6. a priest, concerning information which he hath received in a question between two of his parishioners; 7. a girl, concerning her own virginity, because it was entrusted to her before she had arrived at the age of maturity; 8. the common herdsman of a town, respecting an animal slain by another among the cattle entrusted to his care; 9. a thief, when he is led to execution (*ad patibulum*), and is sure of death, is to be believed without an oath respecting an accomplice, or the thing which he hath stolen.

Cap. XXX. The *wound of the tongue* may be inflicted upon three persons: upon the king at any time; upon a judge when any one opposes his decision; and upon a priest when he is in the church; or upon the three great festivals.

Cap. XXXII. and XXXIII. An ecclesiastic is only to be judged by a synod, and not by the king; unless it concern lands held in a lay fee, for which suit and service ought to be rendered to the king.

[o] Vide Buchanani Hist. Scot. lib. iv. p. 109, &c.; see also Blackstone's Com. b. ii. c. 2, § 2; and Walsh's Prospect of Ireland, p. 141.

WILK. i. p. 215.—*Council of London, under King Edmund,* A.D. 944.

Cap. I. (*Of the temporal laws.*) If any man shall hereafter slay any one, let him alone be liable to the consequences, unless within twelve months he shall, by the assistance of his friends, make compensation with the full *weregild.* If his kindred should desert him, and he will not make compensation, let all his kindred be free from the odium; and let them not thenceforward supply him with food. If, however, any of his kindred should afterwards receive him into his house, let him forfeit all that he hath to the king.

Cap. II. If any man shall fly to a church, *or to my borough*, and another shall pursue or injure him there, let him incur the same penalty.

Note. "The king's protection shall be from the gate of the burgh where he is resident; from thence, on the four cardinal points, three miles, three furlongs, three broad acres, nine feet, nine shaffmets, and nine barleycorns."[p]

IBID. p. 287.—*Provisions of the Wisemen at Engsham* (*Oxfordshire*), *under Æthelred,* A.D. 1009.

Cap. IV., V. The *Wisemen* decree that Christians be not sold out of the land: also that they shall not be condemned to death for trifling offences.

Cap. VII. Let the protection enjoined within the walls of a church, and protection given *by the king's hand,* be equally inviolable.

IBID. p. 306.—*King Canute's Laws,* A.D. 1033.

Cap. IX. If a man seduce a clergyman or a stranger to any thing which affects his property or his life, the king shall act towards him as kindred, and be his patron (unless he should have another master); but let him make due satisfaction to the king, or let the crime be severely punished.

Cap. X. If a minister of the altar commit murder, or any other grievous crime, then let him forfeit his orders and his dignity, and make as long a pilgrimage as the Pope commands. If he will make his purgation, let it be threefold: and unless he shall begin to make satisfaction to God and man within thirty nights, let him be outlawed.

Cap. XII. Reserves delinquent clerks to be judged by the bishop.

Cap. XIII. If a man capitally convicted shall desire to make confession, let the priest who shall refuse to shrive him pay a fine of one hundred and twenty shillings to the king.

Cap. XIV. That no criminal shall be executed on a Sunday, unless he fly or fight.

Cap. XVI. If a man commit a crime during Lent, let the satisfaction be double.

[p] Text. Roffens. A *shaffmet* was about 5½ inches.

Cap. XXII. If a wife shall commit adultery, let her lawful husband have all her property, and let her lose both her nose and ears.

Note. This law proves that, in Canute's reign, a wife might have an estate distinct from her husband: and Dr. Hickes has proved that wives, among the old northern people, had an absolute right to alienate or dispose of the goods *or lands* with which she had been endowed. q

Cap. XXV. When a murder has been committed, let (*the murderer*) be delivered up to the kindred (*of the deceased*); and if it be only a vehement suspicion, and he miscarry at purgation, let the bishop be judge.

Note. In the last clause I have adopted Johnson's translation.

WILK. i. p. 310.—*Laws of Macbeth* (*Maccabaei*), *King of Scotland*, A.D. 1050.

Arraign not a clerk (*Christo initiatum*) before a temporal judge. If an excommunicate person shall, for a whole year, despise the authority of the bishop, and shall not reconcile himself to the church in the mean time, let him be considered an enemy of the state: but if he shall persevere in the same contumacy for two years, let him forfeit the whole of his property.

If a man shall follow in quality of a retainer a man at whose expense he is not maintained, either to a public assembly, or to the forum or market, let him be capitally convicted.

IBID. p. 312.—*Laws of King Edward* (*Confessor*), A.D. 1052, *confirmed by William I.*

Cap. XII. The *danegeld* was originally instituted to repress the insolence of (*Danish*) pirates, viz. a yearly tax of twelve pence from every *hide* throughout the entire country, with the exception of church property. This exemption the church of England enjoyed till the time of William Rufus, when four shillings from every *hide, without excepting the church*, were granted to him for the purpose of retaining Normandy while his brother Robert went to Jerusalem. During the collection of this tax, holy church complained loudly, and pleaded her exemption, but in vain. The grant was not, however, enacted or confirmed by law.

Cap. XIII. The *manbote*, or compensation to be made to the feudal lord for the murder of his vassal, shall be three marks, if he belonged to the king or the archbishop; twenty shillings if he belonged to the bishop of the county, or the king's earl, or his steward of the household; and ten shillings for other barons.

Cap. XIV. All treasures dug up shall belong to the king, unless they be found in a church or burial-ground, and (*even*) then all the gold shall belong to the king, and half the silver; the other half shall be the property of the church.

q Thesaur. Pref. p. 42, ap. Johnson.

Cap. XVI. Archbishops, bishops, earls, barons, and all who have (*the right of*) *sac, soc, thol, theam,* and *infangthefe,* shall have their soldiers and other retainers under their own *friburgh.* Let them also have their esquires and other servants under their *friburgh.* If, however, any of them should commit any crime, they should oblige them to do that which is right in their own court.

Note. "*Sac* was a right to the forfeiture incurred, when a man was accused, and the accuser failed in his proof, or by the accused upon his conviction. *Soc,* the power of making search for stolen goods in his own land. *Thol,* the power of imposing tribute upon merchandise sold in his own land. *Theam,* a right to the forfeiture incurred when challenged goods are put into a third hand, and neither the accuser nor the accused can prove his right to the property. *Infangthefe* was the right of trying and executing a thief, being his own vassal, and apprehended on his own land."—*Glanville.*

Cap. XXII. All Jews, in every part of the kingdom, are under the king's patronage and protection.

Cap. XXIII. Let usurers forfeit their estates, and be outlawed.

JOHNSON, VOL. I., A.D. 1065.—*Other Laws of the Confessor, from the Norman French.*

Cap. V. If a man die intestate, let his children inherit equally.

Cap. VI. If a father catch his daughter in adultery, in his own house or in his son-in-law's house, he may lawfully kill the adulterer.

Note. In a note at the end of these laws, Johnson quotes the following savage law of William the Conqueror:[r] "I forbid any one to be killed or hanged for any crime: but let his eyes be put out; let him be emasculated, or let his hands or feet be cut off, that he may remain a living trunk, as a monument of treachery or wickedness." Whereas (according to Johnson) the principal punishments among the Saxons were the weregild, the mulct, or a *severe jerking. Subterratio,* or the punishment of burying the culprit alive, was anciently practised in France when females had been convicted of capital offences. (*Du Cange,* Suppl. tom. iii. col. 899.) By 22 Hen. VIII. cap. 9, it was decreed that Richard Roose, *alias* Cooke, convicted of poisoning, should be boiled to death. (*Stat. at Large.*)

WILK. i. p. 363.—*Council of London, under Lanfranc,* A.D. 1075.

Let no bishop or abbot, nor any of the clergy, condemn a man to the loss of life or members, or lend the countenance of his authority to those who do.

IBID. p. 368. *The charter of king William I. to separate ecclesiastical pleas from civil causes,* A.D. 1085. That no bishop or archdeacon shall hereafter hold pleas, which relate to episcopal laws, in the hundred-court, nor bring any cause which concerns the cure of souls before a secular tribunal: but whosoever is impleaded according to the episcopal law, is to go to that place which the bishop shall appoint, and there make answer concerning his crime,

[r] From Wheloc, p. 137, and Lambard, p. 126.

and also make satisfaction to God and his bishop, according to the canons. And if he shall refuse to appear at the third citation, let him be excommunicated: and if it be necessary, in order to bring him to justice, let the justice of the king or of the sheriff (*vicecomitis*) be applied to; and let him make satisfaction for every citation, according to the episcopal law."

Note. According to Johnson, at this period, the archbishop had satisfaction due to him for murder committed even on the king's or earl's land, from such time as they cease to sing *Alleluia*, (i.e. from *Septuagessima*,) till *Low* Sunday, (*i. e.* the first Sunday after Easter); and also half the *cyldwite*, or satisfaction for a child unlawfully begotten.

WILK. i. p. 654.—*Legatine Constitutions of Cardinal Otho*, A. D. 1237.

Cap. XXIV. We ordain that, from henceforward, the *oath of calumny* be taken in all causes, ecclesiastical or civil, within the realm of England; and also that the oath *to speak the truth* be taken in all spiritual causes.

Note. The oath *de calumniâ* was formerly taken by both plaintiff and defendant, to the effect that he believed his cause to be just, that he would use no false proof, nor cause any unnecessary delay.[8]

Cap. XXVI. We have been credibly informed, that some persons, when they have procured a summons, send it by three servants (*garciones*) to the place in which the person cited is said to dwell, two of whom place the summons over the altar of the parish church, which the third instantly tears down: by which it happens that upon the oath of these two messengers that he was formally cited he is excommunicated or suspended for a contumacy of which he was wholly guiltless. We therefore decree, that from henceforward judges shall (*themselves*) send the summons by a faithful messenger, who shall make diligent search for the person cited: and if he cannot find him, let him cause the summons to be publicly read during mass in the church of that parish where he resides, either on the Lord's-day or some other festival.

The Principal Acts of Parliament affecting the Church.

(1.) MAGNA CHARTA, granted by king John, A. D. 1215, secured the freedom of election to the clergy, and all the rights and liberties anciently granted to the church. All check upon appeals to Rome was removed by the permission granted to every man to leave the realm at his pleasure, and the fines imposed upon the clergy for any offence were to be proportioned to their lay estates, and not to their ecclesiastical benefices. This important charter was afterwards confirmed by 9 Hen. III., and 28 Edw. I.

See also 50 Edw. III. c. 1; 2 Hen. IV. c. 1; and 3 Hen. V. c. 1.

[8] Johnson.

(2.) Benefit of Clergy, 3 Edw. I. c. 2. That if any clerk should be arraigned for felony and claimed by his ordinary, he should be delivered up to the ecclesiastical jurisdiction, "according to the privilege of holy church, in such parell as belongeth to it, after the custom aforetimes used." See also 51 Hen. III. c. 27; item 9 Edw. II. c. 15; it. 18 Edw. III. c. 2; it. 25 Edw. III. c. 4, 5; it. 50 Edw. III. c. 5; it. 1 Ric. II. c. 15; it. 27 Hen. VI. c. 6: all of which are confirmatory of the above.

Those, however, who were thus claimed and admitted to the privilege of clerkship, were immediately consigned to the *decanicum*, or bishop's prison, and held there in safe custody till they submitted to canonical purgation.

In process of time, mere laymen who could read were admitted to the privilege of clergy, except in cases of murder, sacrilege, or highway robbery; (see 19 Hen. VII. c. 7, and 4 Hen. VIII. c. 2). And if any one, under the rank of a subdeacon, should wilfully escape from the prison to which he had been consigned by his ordinary, he was to be adjudged guilty of felony, and punished accordingly as a mere layman. Or if he should be a subdeacon, deacon, or priest, the bishop might degrade him from his orders, and deliver him up to the secular power for punishment. See here 23 Hen. VIII. c. 11.

If a priest, &c., had been guilty of fornication, adultery, or incest, his ordinary might commit him to prison, there to abide, for a time proportionate to the quality of his offence. 1 Hen. VII. c. 4.

(3.) Prohibition, 24 Edw. I. That in certain cases in which the ecclesiastical judges had been stayed from proceeding by the royal prohibition, and from the (*mixed?*) nature of the case the plaintiff could obtain no redress either in the temporal or spiritual court, the lord-chancellor or chief-justice might licence the ecclesiastical judge to proceed, notwithstanding the said prohibition. From the *Articuli Cleri* (9 Edw. II.) it appears that these royal prohibitions related to tithes, oblations, mortuaries, redemption of penance, the laying violent hands upon clerks, bigamies, and defamation; and the king's letter sometimes directed the ordinary to absolve the excommunicate by a certain day. These encroachments upon the spiritual jurisdiction were remedied by the last-mentioned statute.

That the king shall have the cognizance of usurers dead, and the ordinaries of holy church during their lifetime; and that ecclesiastical judges shall not be impeached for money taken in redemption of corporal penance, the probate of wills, matrimony, or other cases belonging to the jurisdiction of holy church. 15 Edw. III. c. 5, 6. This statute appears however to have been revoked in the same year.

That cases of bigamy, bastardy, and the probate of wills, shall belong to the jurisdiction of the church; and that no prohibition shall be issued by the court of Chancery in cases properly belonging to the spiritual jurisdiction. 18 Edw. III. c. 2, &c.

See also the statute *Circumspectè agatis*, 13 Edw. I.

That no person shall be allowed to practice as a surgeon or physician within the city of London, or seven miles round, until he has been examined before the bishop of London or the dean of S. Paul's. Four doctors of physic or professors of surgery were to be the examiners. 3 Hen. VIII. c. 6.

The statutes 21 Hen. VIII. c. 5 and 6, provide a remedy for the excessive fines demanded by ordinaries for the probate of wills, and the *mortuaries*, or corse presents, exacted by the clergy.

(4.) Advowson, 13 Edw. I. c. 5. This act, which was for the protection of the lawful patron of the benefice against intruders, is too long for abridgment.

That land bequeathed for the maintenance of a chantry, or a light in any church or chapel, be not alienated. 13 Edw. I. c. 40.

That curates, or stipendiary priests, shall be compelled to serve for a competent salary, as hath been accustomed, on pain of suspension and interdict. 23 Edw. III. c. 8.

An act relating to advowsons and the right of patronage. 25 Edw. III. c. 1, &c.; see also 13 Ric. II. c. 1; item 15 Ric. II. c. 6, and other acts.

That if any layman shall pay a priest above five marks per annum, or two marks and his board, (estimated at forty shillings), he shall forfeit as much to the king as he has paid to the priest. 36 Edw. III. c. 8.

Note. The ranks of the clergy had been so much thinned by the plague, that many churches throughout the kingdom were left unserved. It was the object of this act to discourage the priesthood from accepting private appointments to chaplaincies or chantries, the temptation of a large stipend having been found prejudicial to the public interests of the church. See also 2 Hen. V. c. 2.

That no parson shall be impleaded in the secular court for his own tithes taken. 1 Ric. II. c. 14.

Against pluralities; the taking farms of spiritual men; and also against non-residence. 21 Hen. VIII.

Note. This act (too long for abridgment) is well worth reading.

Dismes, or a tenth of the revenues of the church, were frequently granted to the king by the clergy of the two provinces assembled in convocation. See 1 Ric. III. c. 14.

(5.) Provisors, 25 Edw. III. st. 6. That the court of Rome shall not present or collate to any bishopric or living in England: and that whosoever disturbs any patron in the presentation of a living by virtue of a papal provision, he shall pay fine and ransom to the king at his will, and be imprisoned till he renounces such provision.

This important act was followed up by many others to the same effect more or less stringent.

Ex. gr. 27 Edw. III. c. 1; it. 38 Edw. III. c. 1, &c.; it. 3 Ric. II. c. 3; it. 7 Ric. II. c. 12; it. 12 Ric. II. c. 15; it. 13 Ric. II. c. 2, 3; it. 2 Hen. IV. c. 3; it. 7 Hen. IV. c. 8; it. 9 Hen. IV. c. 8; it. 1 Hen. V. c. 7; it. 4 Hen. V. c. 4.

From this multitude of enactments, the reader may form some idea of the extent of the evil which they were designed to remedy, and the usurped authority against which our monarchs had anciently to struggle.

By the 3 Ric. II. c. 3, it was enacted that no alien should be capable of letting his benefice to farm, in order to compel such as had crept in at least to reside on their preferment.

(6.) PRÆMUNIRE, 16 Ric. II. c. 5. That whosoever shall procure at Rome, or elsewhere, any translations, processes, excommunications, bulls, or instruments which affect the king, his crown, and realm, and all persons aiding and assisting therein, shall be put out of the king's protection, their lands and goods forfeited to the king's use, and they shall be attached by their bodies to answer to the king and his council, or process of '*præmunire facias*' shall be made out against them.

See also 24 Hen. VIII. c. 12, against appeals to Rome; 25 Hen. VIII. c. 20, 21, against the payment of annates, or first-fruits, to the Pope, and other exactions; and 26 Hen. VIII. c. 1, 3, that the king is supreme head of the Church of England, and as such entitled to the first-fruits of benefices, heretofore paid to the Pope.

(7.) MONASTERIES. By 3 Edw. I. c. 1, it was enacted that great men with their retinues should no longer exact entertainment from monasteries, to their great impoverishment, and the frustration of those charitable objects for which they were originally founded.

That no friar of the four orders, Minours (Franciscans), Augustinians, Preachers (Dominicans), and Carmelites, shall receive any infant into their order, unless he be entered into the age of fourteen years, without the assent of his parents or guardians. 4 Hen. IV. c. 17.

That abbots, priors, &c., having lands or possessions in certain wapentakes in the county of York, (specified in the act), shall be allowed to plead in the secular courts by their attornies-general, duly appointed under the common seal of the abbey or priory. 15 Hen. VI. c. 7.

(8.) MORTMAIN, 9 Hen. III. c. 36. "It shall not be lawful for any man to give his lands to any religious house, and to take the same land again to hold of the same house. Nor shall it be lawful for any house of religion to take the lands of any, and to lease the same to him of whom they were received. And if any man from henceforth shall give his lands to any religious house, and thereupon be convict, the gift shall be utterly void, and the land shall accrue to the lord of the fee."

See also 7 Edw. I. st. 2; it. 18 Edw. III. c. 3; it. 15 Ric. II. c. 5.

Note. By these grants to religious houses, the principal lord of the fee was defrauded of the military and other services due to him by the terms of the feudal tenure; and therefore, unless the alienation took place with his sanction, he might seize upon the property a year after the said alienation took place, according to the provisions of 7 Edw. I. st. 2, commonly called the statute *de religiosis*.

(9.) De asportatis religiosorum, 33 Edw. I. Against the extortions of the superiors of religious orders, who, residing abroad, used, under pretence of visitation, to draw large sums from the convents of their several orders in England.

Note. I cannot find this act in my copy of the *Statutes at Large.* folio, Lond. 1587. The *general* of each religious order constantly resided at Rome.

(10.) Preachers, 5 Ric. II. c. 5. For arresting those who, without any licence from the ordinary, wandered about from town to town preaching not only in churches and churchyards, but at fairs, markets, and other open places.

(11.) De hæreticis comburendis, 2 Hen. IV. c. 15. That none should be allowed to preach without the licence of the ordinary; and that heretics convicted and refusing to abjure, should be delivered over to the secular power and publicly burnt.

Other statutes against Lollardy, &c., are 2 Hen. V. c. 7, and 25 Hen. VIII. c. 14.

(12.) Sanctuary, 21 Hen. VIII. c. 2. That when a felon or murderer has taken sanctuary in a church, churchyard, or other holy place, he shall take his abjuration and passage out of the said church, &c. on the day limited by the coroner, and be branded on the hand with the letter A.[t]

(13.) Churchyards, 13 Edw. I. c. 6. That from henceforth neither fairs nor markets be kept in churchyards.

(14.) Butchers, (*Statutes at Large*, p. 77, c. 7[u]). A butcher buying meat from Jews and selling it again to Christians, to be heavily fined for the first offence, for the second to be put in the pillory, for the third to be imprisoned and fined, and for the fourth compelled to forswear the town.

(15.) Pilgrims, 9 Edw. III. c. 8. Pilgrims not to pass out of the realm, but only as far as Dover, on pain of a year's imprisonment. See also 13 Ric. II. c. 20.

(16.) Sunday, 4 Edw. IV. c. 7. That any shoemaker exercising his craft in London on a Sunday, &c. shall pay a fine of twenty shillings for each offence.

(17.) Vacation. Having omitted to notice them in the proper place, I shall here mention a few Acts which relate to the custody of the temporalities of a see or abbey during vacation; the election of a successor and his homage; viz. 9 Hen. III. c. 33; it. 51 Hen. III. c. 27, &c.; it. 13 Edw. I. c. 41; it. 14 Edw. III. c. 2, &c.; it. 13 Ric. II. c. 2, &c.

[t] See also 22 Hen. VIII. c. 14, for the form of abjuring the realm.

[u] It is uncertain when, or by whom, this statute was enacted.

§ III.—TRIAL BY ORDEAL, AND VARIOUS OBSOLETE FORMS.

CONCILIA MAGNÆ BRITANNIÆ ET HIBERNIÆ, EDIT. WILKINS, VOL. I.

WILK. I. p. 206.—*Laws of King Ethelstan, made at Grately in Hampshire,* A.D. 928.

Cap. II. If any one shall be convicted, by the *triple ordeal,* of breaking into a church, let him make compensation as the *Doombook* decrees.

Note. "The most common ordeals were those with red-hot iron or hot water. In the first, simple ordeal was carrying one pound of hot iron; twofold ordeal was carrying two pounds; threefold ordeal was carrying three pounds the space of nine feet. The simple ordeal with hot water was taking a stone out of boiling water hanging by a string no deeper in the vessel than that a man might take it out by dipping his hand as far as the wrist; twofold ordeal was when a man must dip his hand half way between the wrist and the elbow; and threefold ordeal when he must dip it to the elbow. In Edward the Elder's Laws, cap. IX., oaths and ordeal are forbidden on festival days and solemn days."[v]

Cap. V. If a man should engage (*spondet*) to undergo the *ordeal* of fire or water, let him go three nights before to the priest, who ought to sanctify him; and let him feed him with bread, salt, water, and herbs; let him hear mass for three (*successive*) days; and let him offer and communicate at the holy table; and let him swear that he is innocent before he undergoes the ordeal. And if it be the water ordeal, let the rope go two ells and a half below the surface; if it be the judgment of iron, let three days elapse before the hand is undone. And let his accusers be demanded first to give their oaths; and let both parties be fasting, according to the commandment of God and the archbishop. And let there not be more than twelve of either party: but if the accused should be attended by a greater number, let the ordeal be null and void, unless they are willing to depart. ["*Thus much for the preparation: let us now speak concerning the form.* During the ordeal, let no one enter the church but the priest and the accused, till the fire has been introduced by which the iron is to be heated. If it be the judgment of *water,* let it be made boiling hot; and if it be the triple accusation, let the hand be immersed to the elbow. When the ordeal is prepared, let two men enter on each side; and let them stand on each side of the judgment along the church; and let them all be fasting; and let them refrain from their wives on that night; and let the priest sprinkle them all with holy water; and let them kiss the holy gospels and the sign of the cross; and let not the fire be lighted before *the consecration,* but let the iron lie upon the coals till the last collect; and let no one speak, unless (*to pray*) that God will manifest

[v] Johnson.

the truth. Let the accused drink holy water, and let his hand, with which he is to carry the ordeal, be sprinkled with it; and so let him approach. And let nine measured feet be divided into three equal parts. At the first mark, let him hold his right foot near the pillar; at the second, let him transfer his right foot; at the third mark, let him cast away the iron, and hasten to the altar, and let his hand be sealed; and on the third day let it be examined, to see whether it be clean or unclean within the place where it has been sealed: and whosoever shall violate these rules, let the ordeal be annulled, and let him forfeit to the king one hundred and twenty shillings." Added from *Spelman.*]

Note. For the office and prayers used at ordeal, see Glossary at the end of Wilkins' "*Leges Anglo-Saxonicæ, ad ann.* 9 *Henrici III.*" voce *Ordalium.* Also in the "*Textus Roffensis*" published by Hearne; and at the end of Brown's "*Fasciculus Rerum.*" The fire, water, and iron had many prayers, crossings, and other ceremonies performed over them by the priest.

WILK. i. p. 300.—*Ecclesiastical Laws of King Canute.* A.D. 1033.

Cap. v. If it happen that a man shall accuse a priest who lives regularly of crimes and want of skill, and he is conscious of his own innocence, let him, if he dare, celebrate mass; and by taking the holy eucharist, let him make his purgation singly, if he have only one accuser. But if it be a triple accusation, by taking the housel with two others of the same order, let him clear himself from all suspicion. If any one shall accuse a deacon who lives regularly with a single accusation, let him take two of the same order as himself, and make his purgation with them: if he be accused with a triple accusation, let him take six of the same order (he himself being the seventh), and so make his purgation. . . . . If a minister of the altar shall be so destitute of friends, that, being impleaded for crimes, he can procure no compurgators, let him eat bread devoted by a curse (*corsnæd*), and let the event be as God shall determine.

Note. The *corsned* was an ordeal by eating barley bread with cheese, after several prayers, &c. used over it, the accused person praying that it might choke him if he were guilty. See "*Exorcismus panis hordeacei et cassei,*" transcribed from *Textus Roffensis* in Brown's *Fasciculus Rerum*, vol. ii. p. 910. Earl Godwin, the father of king Harold, is said to have been choked to death, having voluntarily submitted to this ordeal at the table of his son-in-law, king Edward the Confessor. *Matth. Westm.*

IBID. p. 313.—*Laws of King Edward* (*Confessor*), A.D. 1052, *confirmed by William I.*

Cap. II. If a man has been impeached for breaking into a monastery, and was never accused in times past, let him purge himself with twelve lawful men, commonly called his "*twelvefold hand:*" but if he have been before impeached, let him make his purgation with thrice that number; or if he cannot procure them, let him go

to the triple ordeal, (*aut a la juisse a treis dubles,*) as he ought (*also*) to the triple oath. And if he hath before been mulcted for theft, let him go to the water (*ordeal*). And the archbishop shall have by way of forfeiture forty shillings; a bishop or an earl twenty; a baron ten shillings; and a villain forty pence.

Note. The words "*a la iuise*" are by some supposed to refer to the *fire* ordeal, as it is opposed to that by *water*. The council of Mentz, A.D. 847, can. 24, enjoins the ordeal by plowshare to suspected servants; but Pope Stephen V. and Alexander II. absolutely forbad it, and it had been long ago prohibited by several continental princes. The church of Rome had always discouraged it. The first prohibition of ordeal here in England mentioned by Sir Henry Spelman, is in a letter from king Henry III. to his justices itinerant in the north, in the third year of his reign; yet this learned knight observes, that eight years after this he granted the monks of *Semplingham* power to administer it.—*Johnson*, from whose collection I have taken the following, as it was not published by Wilkins.

Cap. VII. If a Norman be cast in a duel, let him pay to the king sixty shillings; and if an Englishman refuse to defend himself by duel, let him preserve himself from outlawry by ordeal.

Note. Here is the first mention of *trial by single combat*, which was practised long after the Conquest. The last trial by battle that was waged took place A.D. 1571, in Tothill Fields, Westminster; but a solemn tender of trial by battle was made in the court of King's Bench so lately as 1818, and the court decided in favour of the prisoner's claim to trial by *wager of battle*. The challenge was formally given by throwing down a glove in the court; but for some reason or other the combat did not take place, and a bill was soon after brought into the House of Lords which abolished it altogether. The weapons allowed were only batons or staves an ell long, and square leathern targets. The combatants were both fasting, and before the trial commenced took an oath against sorcery. The battle was to commence at sunrise, and the combatants were bound to fight "*till the stars appeared in the evening.*" If the accused could maintain the contest till that time, he was acquitted; if not, he was hanged directly. If on the other hand the accuser became *recreant*, and yielded by pronouncing the word "*Craven*," he lost his station and rights as a free and lawful man; became infamous, and was never afterwards admitted to serve on a jury, or to be a witness.[w]

FORM OF ABJURING THE REALM.[x]

By the ancient common law of England, if a person guilty of any felony except sacrilege took sanctuary in a church, he might, within forty days, go clothed in sackcloth before the coroner, and take the following oath: "This hear you, Sir Coroner, that I N. *am an attainted felon*, and I do therefore abjure the realm: and I shall haste me towards the port of N. which you have assigned to me, and that I shall not go out of the highway leading thither, *nor return back again; and if I do, I will that I be taken as a felon of the king.* And at N. I will diligently seek for passage; and I will tarry

[w] See Saturday Magazine, August 25th, 1832, p. 68.
[x] From Burn's Justice, iv. 15, and Eccl. Law, i. 394.

there but one flood and ebb, if I can have passage: and unless I can have it in such space, I will go every day into the sea up to my knees, assaying to pass over. So help me God and his doom."

BENEFIT OF CLERGY.[y] The bishop or ordinary of the diocese might, if he would, claim the convict as a clerk; and he was to see him tried in the face of the court whether he could read or not. The book was prepared and brought by the ordinary, and the judge was to turn to such place as he should choose. If the prisoner could read, the ordinary pronounced the words "*legit ut clericus*," and he was delivered over to the ecclesiastical jurisdiction: but if either the ordinary would not claim him, or the prisoner could not read, he underwent the penalty of the law. By a favourable interpretation of the statute, in process of time any person who could read, *whether he was in orders or not*, might claim the *benefit of clergy*. The usual test of the prisoner's learning was the passage beginning "*Miserere mei Deus*," called from that circumstance the *neck verse;* and it is to be noted that it was an indictable offence to teach a person to read for the purpose of saving him.[z]

Note. It is very remarkable, that the act entitled "*Benefit of Clergy*" should have remained unrepealed till within these few years; that the privilege of sanctuary should not have been abolished till the reign of James I.; and that the barbarous custom of torturing a prisoner in order to extort a confession of guilt, should have been practised in England at the same period, if not later.

Nearly akin to the torture was the sentence, that a prisoner standing mute and refusing to plead to his indictment should be *pressed to death*, a case of which occurred as late as the year 1720.[a] On the refusal of Spiggot and Phillips to enter any plea, the executioner was ordered to tie their thumbs together with whipcord till it broke, and then to double it and do the same; after which, as they still continued obstinate, the following sentence was pronounced: "That the prisoner shall be sent to the prison from whence he came, and put into a mean room stopped from the light, and shall there be laid on the bare ground without any litter, &c. and without any garment about him. He shall lie upon his back, his head shall be covered and his feet shall be bare. One of his arms shall be drawn with a cord to one side of the room, and the other arm to the other side; and his legs shall be served in the like manner. Then shall be laid upon his body as much iron or stone as he can bare and more. [Spiggot had 400 cwt. laid upon his breast.] And the first day after, he shall have three morsels of barley bread without any drink; and the second day he shall be allowed to drink as much as he can at three times of the water that is next the prison door, except running water, without any bread; and this shall be his diet till he dies." All his goods were forfeited to the king.

[y] See p. 279.
[z] Burn's Eccl Law, voce *Benefit of Clergy*.
[a] Select Trials, vol i. p. 16.

CHAPTER VII.

ON THE REAL OR REPUTED HERETICS WHO HAVE AT VARIOUS TIMES APPEARED IN ENGLAND, INCLUDING AN ACCOUNT OF WICLIF AND THE LOLLARDS.

The introduction of the Arian and Pelagian heresies into these islands, and the articles of impeachment exhibited against the knights-templars, will be presented to the reader in the course of this chapter: he will, however, probably read the extracts relating to Wiclif and the Lollards with much greater interest, since he may thus clearly discern the first rudiments of our English Reformation. It has been said that "*Wiclif laid the egg which Luther hatched;*" and ecclesiastical history clearly testifies to the influence of his writings, in exposing the errors of popery, and preparing the world for the reception of a purer faith. The merits of this extraordinary man were such as to place him above the reach of calumny, and to extort from his very adversaries a confession of his worth. Roman Catholic polemics have a wonderful readiness at detecting flaws in the moral characters of the early reformers, but *Wiclif has escaped altogether:* and with respect to his abilities, the unwilling testimony of Knighton, a zealous Romanist, is exceedingly satisfactory, for he thus speaks of our reformer: "Doctor in theologiâ eminentissimus in diebus illis; in philosophiâ, nulli reputabatur secundus; in scholasticis disciplinis incomparabilis."[b] That such distinguished talents were fully appreciated by his contemporaries, may be seen by a brief sketch of his life. In the year 1365, archbishop Islepe appointed Wiclif master of Canterbury Hall, Oxford; in 1372, he was elected professor of Divinity for that University; in 1374, he was sent by the king to Avignon, where the Pope then resided on a mission of the greatest importance. In 1375, he was presented to the living of Lutterworth in Licestershire; and he was also appointed private chaplain to the king.[c] Wiclif's talents as a controversialist were first called into exercise by the intolerable usurpations of the mendicant friars.[d] The extortions of the Pope

[b] Knighton de Eventibus Angliæ, col. 2644, apud Le Bas' Life of Wiclif, p. 94.
[c] Le Bas, Life of Wiclif, London, 1832, pp. 116, 139, 153, 155, 160, *Note.*
[d] See above, p. 160 &c. *Note.*

next aroused his indignant opposition; and in 1381, he fearlessly exposed the absurdities of transubstantiation *from the very professor's chair at Oxford.*[e] Yet this undaunted champion of the truth effectually baffled the rage of his enemies; and, to adopt an expression of Fuller, the "hare which had been so often hunted by so many packs of dogs, died at last quietly sitting in his form!" The unblushing profligacy and ignorance of the clergy, who had in consequence lost a great part of their influence, affords however an immediate solution of the difficulty. "In the committee of eighteen, to whom Richard II.'s last parliament delegated their whole power, *there is not the name of one ecclesiastic to be found,*"[f] a neglect almost unparalleled during the prevalence of the Romish faith in England: and in the reigns of Richard's two successors, the commons "proposed in plain terms to the king that he should seize all the temporalities of the church, and apply them to the exigencies of the state. They estimated the ecclesiastical revenues at 485,000 marks a-year, and included 18,400 ploughs of land, or about one-third of the kingdom. They proposed to divide the property among fifteen new earls, one thousand five hundred knights, six thousand esquires, and one hundred hospitals; besides 20,000*l.* a-year which the king might take for his own use: and they insisted that the clerical functions would be better performed than at present by fifteen thousand parish priests, at the rate of vij marks apiece of yearly stipend."[g] When moreover it is recollected that Wiclif was supported by Edward III., Joanna the widow of the Black Prince, John of Gaunt, and Anne the wife of Richard II.,[h] we can no longer feel any surprise at his having escaped those bitter persecutions to which his followers were afterwards exposed: yet, *forty-four years after his death,* by the decree of the council of Constance, his enemies, with an impotent malice, dragged his bones from the tomb, and committed them to the flames; and in the year 1400, Henry IV., to conciliate the clergy, enacted the detestable law "*de hæreticis comburendis,*" by which so many martyrs suffered.[i] Polydore Vergil proves from the Theodosian code, that heretics were punished with stripes, banishment, and death, as early as the end of the fourth century; and he also tells us, that about the year 1180, the emperor Frederick decreed that heretics should be burnt.[j] In England, however, there does not appear to have been any *legal provision* for the punishment of heretics previously to the enactment of the above-mentioned law; for although in the year 1381 an injunction was issued by the king to all sheriffs to apprehend the preachers of heresy and their abettors, the act was passed surreptitiously without the consent of the commons, who accordingly complained of the fraud in the following session of Parliament, and

e Le Bas, pp. 64, 104, 123, 248.
f Hume's Hist. A. D. 1399.
g Ibid. A. D. 1412.
h Le Bas, p. 398.
i Le Bas, pp. 316, &c. and 411.
j De Invent. Rerum, lib. viii. c. 4, p. 654.

obtained its repeal. "It is very remarkable (says Hume) that, notwithstanding this vigilance of the commons, the clergy had so much art and influence that the repeal was suppressed, *and the act, which never had any legal authority, remains to this day upon the statute-book.*"[k] Nor is it less extraordinary, that the act "*de hæreticis comburendis*" should have survived the Reformation nearly one hundred and fifty years; the repeal having taken place A.D. 1677. In the reign of queen Mary, the fire of persecution raged so furiously that two hundred and seventy-seven protestants (among whom were five bishops and twenty-one priests) are said to have suffered martyrdom: and Fox has presented his countrymen with a most interesting and graphic account of the lives of these early victims of intolerance[l] —"*sanguis martyrum semen ecclesiæ!*"

The period at which Wiclif lived was exceedingly favourable to the cause of truth. A violent schism had taken place in the popedom between Urban VI. and Clement VII.;[m] and the unsettled state of affairs in England, added to the unpopularity of the clergy, must have also contributed to prevent any effectual opposition. So numerous were the followers of Wiclif in the reign of Richard II., that, as Walsingham tells us, almost every second person casually met in the street was a Lollard;[n] and in 1412, archbishop Arundel complained to the pope that these principles had taken such deep root in the University of Oxford, that nearly the whole church was infected with heresy.[o]

In Chaucer's Canterbury Tales, there occurs the following valuable testimony to the moral character of these early protestants. "*The person*" rebukes the host for swearing profanely, and is accused of Lollardy *on that ground alone.*

"Our hoste upon his stirrops stode anon.
And said, 'Gcod men, herkeneth everich one—
This was a thrifty tale for the nones,
Sir parish priest, quod he, for Goddess bones
Tell us a tale, as was thy forward yore.
I see well that ye lerned men in lore
Can mochel good, by Goddes dignitee.'
The person him answered, 'Benedicite!
'What eileth the man so sinfully to swere?'
Our host answered, 'O Jankin, be ye there,
Now good men (quod our host) herkneth to me,
I smell a Loller in the wind,' quod he,
'Abideth for Goddes digne passion,
For we shul han a predication,
This Loller here wol prechen us somewhat!'"[p]

To which I shall add a humorous defence of a priest who had been accused of heresy:—

"Esse Lutheranum rumor te Gaurice clamat,
Sed tuus Antistes te talem esse negat—
Tam scortaris ait quam si episcopus esses,
Et potas dubiam pervigil usque diem.

[k] Hume, ch. xvii. A.D. 1399.
[l] Acts and Monuments of the Church.
[m] See here, p. 54.
[n] Walsingham, p. 312, apud Hume.
[o] Wilk. iii. 350.
[p] Prologue to Shipman's Tale, edit. 1542.

Nec memor es Christi, nisi cum jurare libebit,
Nec scis scripturæ vel breve jota sacræ :
Nempe per hæc suevit nunquam fallentia signa
Ille vigil sanas noscere pastor oves !"[q]

At the same time it cannot be denied that many of the Lollards' opinions were fanatical, while others amounted to positive heresy. That "*God must obey the devil;*" that "*every thing is God;*" that "*dominion is founded upon grace;*" and that "*brothers and sisters may lawfully intermarry,*" were certainly among their tenets.[r]

About the reign of Henry IV. the Lollards had become a sect politically dangerous, and endeavoured to excite a rebellion, under the pretence that king Richard II. was still alive.[s]

The translation of the Bible into the English language was by far the greatest benefit conferred by Wiclif upon his countrymen, as it was, under God, the means of removing the scales from their eyes, and preparing them for the reception of a purer faith. Alfred the Great, Ælfric, Cædmon, Rolle (the hermit of Hampole), and others, had long before this translated *parts* of the Bible into the vernacular tongue;[t] but Wiclif's was, I believe, *the first complete version*—a very inaccurate one it must be confessed, for as he knew not Hebrew or Greek, he was obliged to adopt the Latin vulgate as his basis; but then the value of the work ought to be estimated not by the modern standard of Biblical criticism, but by the spiritual necessities of the people. Before Wiclif's time, with a very few exceptions, neither the laity nor clergy had any knowledge whatever of the holy Scriptures; and we are even told of A BISHOP who exclaimed, in a most blissful state of ignorance, "Deo gratias habeo, QUID vel Vetus vol Novum Testamentum SIT ignoro. Nihil ultra *Missale* et *Portiforium* scio aut scire volo"![u]

On the prevalence of the doctrine of Berengarius in England, in the 11th century, see pp. 191, 200, &c.

ON HERESIES AND HERETICS.

CONCILIA MAGNÆ BRITANNIÆ ET HIBERNIÆ, EDIT. WILKINS, VOL. I.

SPELM. I. 38. According to Gildas the Wise, from the year of grace 315, throughout Britain "a delightful unanimity subsisted among the members of Christ, the head (of the body), until the atrocious perfidy of the Arians, like a foreign serpent vomiting its poison upon us, perniciously caused discord to arise among brethren dwelling in unity; and thus, as it were, a path being formed across

[q] Calvinisme et Papisme mis en Paralelle, vol. i. p. 183

[r] Le Bas, pp. 343, 348, &c.; and see also in this chapter.

[s] Hume's Hist., A. D. 1413, 1414, chap. xix. p. 76, &c.; and Smollett's Hist. v. 209, &c.

[t] Le Bas, p. 220, &c. Wiclif's New Testament was published by Mr. Baber some years ago.

[u] Apud Crackanthorpii Defensio Eccl. Angl.

the ocean, wild beasts of every description, brandishing the deadly poison of each heresy in their horrid mouths, inflicted the dangerous wounds of their teeth upon a country always desirous of hearing some novelty, and receiving nothing with stability."

Note. This being a very confused passage, I subjoin the original: "Mansit in Britanniâ Christi capitis membrorum consonantia suavis, donec Ariana perfidia atrox,—seu anguis transmarina, nobis evomens venena, fratres in unum habitantes exitiabilitèr faceret sejungi; ac sic quasi viâ factâ trans oceanum, omnes omninò bestiæ feræ, mortiferum cujuslibet hæreseos virus horrido ore vibrantes, letalia dentium vulnera patriæ, novum semper aliquid audire volenti, ac nihil certè stabilitèr obtinenti, infigebant."[v]

Wilk. Concil. i. 1. *The council of St. Alban's*, A.D. 446. "In the year of grace 446, the Pelagian heresy, having been introduced by Agricola, Pelagius's disciple, polluted the faith of the Britons with a foul pestilence. The Britons, however, being neither willing to blaspheme the grace of Christ, nor able by their eloquence to expose the fallacy of this pernicious doctrine, entreated the French bishops to assist them in their spiritual warfare. Accordingly Germanus, bishop of Auxere, and Lupus, bishop of Troyes, were sent to confirm the faith of the Britons. A synod being therefore convened at Verulam, an immense multitude of people came there with their wives and children. The Pelagians were first allowed to propose their arguments, after which these venerable bishops poured forth such a torrent of eloquence, that the heretical opinion was clearly refuted, and the people who were present could scarcely be restrained from offering violence to the Pelagian party. All things being thus happily arranged, the bishop returned with joy to his own country, proclaiming the glory of God, and of the English protomartyr St. Alban, to whom he ascribed the victory."[w]

Ibid. p. 2. About 449, the Pelagian heresy having again made its appearance in Britain, St. Germanus returned at the request of the British bishops, and by his preaching healed the wounds which the faith had received.

Ibid. p. 8. According to Giraldus Cambrensis, another Welsh council was held against the Pelagians at *Brevi*, A.D. 519.

Note. Pelagius, who was a Briton, and in his native language called *Morgan*, taught that mankind stood not in need either of *preventing* grace, which disposes the heart to believe, or *cooperating* grace, which enables us to persevere after we have believed. He asserted that children are born without the stain of *original sin*; that Adam alone was punished for his transgression; also that he was naturally mortal, and would have died even if he had never sinned. From the letter of Pope John IV. to the Irish bishops,[x] it appears that the Pelagian heresy revived in Ireland about A.D. 640.

Ibid. p. 51. When the Eutychian heresy prevailed in the world, Pope Agatho sent John, abbot of St. Martin's, and precentor of St.

[v] Gild. Epist. de Excid. Brit. § 6 et 26.
[w] Matth. Westm.
[x] Wilk. i. 36.

Peter's at Rome, to inquire whether the British church was free from the contagion of heresy; on which occasion it was found to be perfectly orthodox. Moreover, archbishop Theodore convened a council at Hatfield, A.D. 680, in which the assembled bishops declared their approval of the first five general councils, and also of the synod held at Rome in the time of Pope Martin.

WILK. i. p. 438. About 1166, (says William of Newburgh,) certain heretics came to England, of the same description, it is supposed, as those who are usually called *publicans;* who, having anciently originated in Gascony, (although the author of the heresy is unknown,) infused the poison of their error throughout many nations. For so many are said to have been infected with this (*moral*) pestilence in the largest provinces of France, Spain, Italy, and Germany, that, according to the prophet, they appeared to be more in number than the sands of the sea. (*Those heretics, however, of whom we are speaking*) were something more than thirty of both sexes, who, dissembling their error that they might propagate the plague of heresy, came hither as it were in a peaceable manner; having for their leader and instructor a man of the name of Gerard, who alone had some little learning, whilst all the rest were grossly illiterate Germans. After having remained some time in England, they gained over to their assembly one woman only, imposed upon by their venomous insinuations, or, as some say, fascinated by their enchantments. They could not, however, long remain concealed, but being found to belong to a strange sect, they were arrested and confined in the public gaol; but the king, being unwilling either to dismiss or to punish them without a hearing, commanded a council to be assembled at Oxford, where they said that they were christians, and that they venerated the doctrine of the apostles. Having been questioned concerning the articles of our holy faith; concerning the true substance of the heavenly Physician, (*de substantiâ superni medici rectâ*); also concerning those remedies wherewith he deigns to heal human weakness, *i. e.* the holy sacraments; they spake perversely, abhorring (*as they did*) holy baptism, the eucharist, and marriage, and speaking contemptuously of the unity of the Catholic (*church*). Threats they ridiculed, abusing those words of our Lord, "Blessed are they who suffer persecution for righteousness' sake," &c. Then the bishops, lest the heretical poison should spread more widely, after publicly pronouncing them heretics, delivered them over to the Catholic prince, that they might endure bodily correction, who ordered the brand of heretical infamy to be stamped upon their foreheads, and that, being scourged with rods, they should be expelled the city, strictly prohibiting any man from presuming to receive them into his house, or to relieve them in any way. When the sentence was pronounced, they were led to their just punishment rejoicing, walking briskly, while their Master went before them and sung, "*Blessed shall ye be when men hate you.*" Moreover that detestable body of men, having their foreheads

cauterized, were subjected to just severity. Gerard, as being their leader, was branded both upon the forehead and near his beard, and their clothes being cut off as far as the girdle, they were publicly beaten and driven out of the city. Thus expelled, they soon perished miserably from the severity of the cold, for it was winter, no one shewing them the least degree of pity.

Concilia Magnæ Britanniæ, &c., Edit. Wilkins, Vol. II.

Wilk. ii. 107. Letter of John Peckham, archbishop of Canterbury, to the chancellor, masters, and scholars of the University of Oxford, A.D. 1284, on the subject of some opinions in science lately broached there, which he conceived to be of an heretical tendency. "One of these (saith he) we have expressly noted '*in homine esse tantummodò formam unam;*' from whence it would follow, that the body of Christ during his lifetime and after his death were not one and the same, and also that no bodies of the saints exist in the world, either in the whole or in its parts, the same as the mothers of the saints brought forth: for, without the unity of the substantial form, no substance can be numerically one."

Ibid. p. 123. Heretical opinions condemned by archbishop Peckham, A.D. 1286, which appear to have been introduced by the mendicant friars.

i. That the dead body of Christ had no *substantial form.*

ii. That at his death a new *substantial form* was introduced, and a new *species;* although it was not new by assumption or union with the Word. From which it would follow, that the Son of God is not only a man, but of another ineffable species.

iii. That the bread (*in the eucharist*) would have been transubstantiated into that new form which was introduced at his death, if it had been consecrated three days after his death.

iv. That now, *i. e.* after his resurrection, the *substance* of the bread is converted into the substance of Christ's body, and the *form* of the bread into the *form* of his body, viz. *into that which is the intellectual soul.*

v. That there is a numerical identity between Christ's living and dead body, by both having been hypostatically united to the Word.

vi. That the dead body of every saint or other man, before it hath been changed by putrefaction, and resolved into air and the elements, is not numerically one with his living body, except *secundùm quid,* viz. as they have a common substance, which are changed into each other, as flesh is transmuted into worms.

vii. *That he who wishes to teach these things, is not bound to place confidence in the authority of the Pope, or of Gregory, or Augustin, or any other doctor, but only in the authority of the Bible, and in necessary reason.*

viii. That there is only one substantial form in man, viz. his rational soul: from which all the above opinions necessarily follow.

WILK. ii. p. 331.—*Articles exhibited against the Knights-templars in England, Ireland, and Scotland,* A.D. 1309, *in the reign of King Edward II.*

Art. i. That when they are received into the order, they renounce Jesus Christ, and sometimes God, or the blessed Virgin.

Art. v., &c. That those who receive them, give them to understand that Christ is not the true God, but a false prophet; and that he was not crucified for our redemption, but for his own crimes.

Art. ix. That they have been in the habit of making those whom they received into the order spit upon a cross or upon the image of Christ; though some who were received spat only near it.

Art. x. and xii. Also, that they have caused the cross to be trampled under foot. *Item,* quod mingebant super ipsam crucem in die Veneris sanctâ.

Art. xiv. That they worshipped a cat in their assemblies.

Art. xvi. and xx. That they believe not in the sacrament of the altar; also that the priests of the order pronounce not at the canon of the mass the words by which Christ's body is made.

Art. xxiv. That they believe that the grand-master of their order can absolve them from their sins.

Art. xxx. Item, quòd in receptione fratrum recipiens et receptor interdum deosculabantur se in ore, in umbilico, seu ventre nudo, et in ano, seu spina dorsi, (33). Et aliquandò in virgâ virili.

Art. xlii. Item quod fratribus quos recipiebant dicebant quod adinvicem poterant, *et debebant,* unus cum alio carnaliter commisceri.

Art. xlvi. That the brethren in the different provinces have idols, one of which has three faces, another one, and a third a human scull.

Art. lxxiv. Item, that they are commanded not to confess to any (*priests*), but to the brethren of their order.

The following are the depositions of several of the witnesses examined upon the occasion, as detailed by Wilkins, vol. ii. p. 358, &c.

2nd *witness.* John de Nassington deposed, that Miles de Stapelton and Adam de Everingham, knights, told him that they had been invited by the *grand preceptor* of the city of York to a certain great feast, and that many of the said order had assembled there for a solemn festival, in which they worshipped a certain heifer.

3rd *witness.* John de Eure, knight, sheriff of York, deposed, that William de la Fenne, of the order of the Temple, being invited to his house, after dinner drew from his bosom a certain book, and handed it to his wife to read; she however found in it a certain schedule containing several things which savoured of heretical pravity: to wit, that Christ was not the Son of God, nor born of a virgin, but of the seed of Joseph, the husband of Mary, and conceived like other men: also that Christ was not a true, but a false

prophet, and that he was not crucified for the redemption of mankind, but for his own crimes.

4th *witness*. William de la Forde, rector of the church of Crofton, deposed, that Patrick de Rippon, of the order of the Temple, had confessed, that at the time of his initiation he was led, clothed only in his shirt and trousers, through a long passage, into a more private place, and commanded to swear that he would never reveal the things which should be said or done to him, and that he did so. Which oath being completed, he was commanded to deny God and Christ, whom he had formerly worshipped, which he did: a crucifix was then shewn to him, and he was told that as he had before honoured (*Christ*), he should now vilify and spit upon him, which he did. Item dictum fuit ei quod depositis braccis verteret dorsum ad crucifixum, quod lacrymandó fecit. Afterwards there was shewn to him the image of a calf, and he was told to kiss the image and worship it, which he did: and afterwards he was led blindfolded to kiss each of the brethren, though he knew not upon what part.

25th *witness*. Walter de Gonaville, *a knight-templar*, who thus explained the denial of Christ and spitting on the cross, "which custom of the order was introduced with the consent of a certain wicked grand-master, who was in the dungeon of a certain soldan, and could not obtain his liberty unless he swore that he would introduce this custom into our order, that all who should be received in future should deny Jesus Christ: and this hath (*since*) been always observed."

From witnesses 23, 52, &c. it appears that they murdered all who refused to comply with this custom, and also all who had accidentally witnessed their proceedings.

From witnesses 4, 24, and 69, it is clear, "quòd fratres ordinis Templi carnalitèr invicèm commiscerentur."

Ibid. p. 390. The lay brethren were in the habit of absolving the templars, without any special confession, in these words: "By the authority committed unto us by God and the Pope, we remit unto you, as far as we are able, the sins which, from a carnal shame, or a fear of being punished by the order, thou hast omitted to confess.

In consequence of these crimes the order was abolished, their possessions were forfeited, and several of the delinquents were condemned to perpetual imprisonment.[y]

Ibid. p. 518, A.D. 1322, the clergy say in their petition, "It is asserted that many of the nobility err in the Catholic faith, both in the article of the resurrection, and the sixth precept of the Decalogue (against adultery). They fear not God, love not their neighbour, and plunder churches.

[y] Wilk. ii. 401.

CONCILIA MAGNÆ BRITANNIÆ, &c., EDIT. WILKINS, VOL. III.

WILK. III. 75.—*Mandate of Simon Langham, Archbishop of Canterbury, condemning, as impious and heretical, XXX* ARTICLES *which were at this period maintained by several in his province,* A. D. 1368.

Art. i. Every earthly pilgrim, whether an adult or an infant, whether a Saracen, Jew, or Pagan, yea, even he who dies in his mother's womb, shall have a clear vision of God before his death, during which vision he will have a free choice (*afforded him*) of being converted unto God or of rejecting him: and if he then shall choose to be converted unto God, he will be saved; if not, he will be damned.

Art. ii. Sin committed during this clear vision, in consequence of a perverse choice, cannot be remedied or forgiven, nor can the passion of Christ make satisfaction for such a person.

Art. iii. An adult may be saved by the common (*natural?*) law, without either an active or habitual faith in Christ.

Art. iv. The sacrament of baptism is not necessary to the salvation of any who die in their infancy.

Art. vi. With respect to infants who die after baptism, Catholics may doubt whether they are saved or damned.

Art. viii. It is not possible that a person can be damned for original sin only.

Art. xiii. For every sin committed by believers, there is a sufficient remedy *in nature*, by which the pilgrim may return to the state from which he hath fallen through sin.

Art. xiv. No man can be justly deprived of his heavenly inheritance for sins committed without a clear vision of God. (See *Art.* i.)

Art. xv. Nothing is or can be evil merely because it is prohibited.

Art. xviii. The Father is *finite* in divine (*operations*), the Son is *finite* in divine (*operations*), and the Holy Spirit alone is *infinite.*

Art. xx., xxi. God cannot annihilate any thing; nor can he punish any person immediately, because he cannot be a tormentor.

Art. xxiv., xxv., xxvi. That Mary, the blessed mother of Christ, and all the saints, are still mortal: also the blessed Virgin, the holy angels, and all the saints—Christ only excepted—are still liable to sin and damnation.

Art. xxvii., xxviii. That those who are damned in hell, and the devils themselves, are still salvable; also that they may repent and be (*eternally*) happy.

Art. xxix. That God, by his almighty power, could not create a rational being impeccable.

IBID. p. 116.—*Letter of Pope Gregory XI., against John Wycliff,* A. D. 1377.

He begins by saying, that "England had been formerly illustrious for the purity of her faith, but that now, alas! such was the negli-

gence of the clergy, that the enemy had succeeded in sowing the tares of heresy in the land; the effects of which were felt even at Rome, distant as it is, before they were resisted in England: that John Wycliff, rector of Lutterworth, professor of the holy Scriptures, (would he were not a master of error,) has lately rushed into such a detestable madness, that he is not ashamed to assert and preach publicly in England false, erroneous, and heretical conclusions, which threaten the complete overthrow of the church; conclusions which are akin to the perverse opinions of Marsilius de Padua, and John de Ganduno, of damnable memory, whose book was reprobated and condemned by our predecessor Pope John XXII. of pious memory..... Wherefore, that so pernicious an evil may be utterly extirpated, we commission and command your brotherhood, by virtue of this apostolic bull, that if, upon examination, you find our information correct, you cause the said John to be arrested by our authority, and cast into prison; and that you keep him there in chains until you receive other commands from us; that you beat down all opposition by ecclesiastical censures, and, if it be necessary, invoke the assistance of the secular power: moreover, we command you carefully to receive his confession with respect to the said conclusions; and that his confession, or whatever he may have either said or written, in the way of induction or probation, with respect to the said conclusions, together with an account of all that you have done in these premises, be sent to us by a faithful messenger, closed up with your seals, and revealed to no person.

Wilk. iii. p. 117. Another letter of the same Pope, in the same year, expressing his apprehension that Wiclif might have taken flight on hearing that his arrest was contemplated; in which case the archbishop and bishops were to cause public proclamation to be made in the University of Oxford, (in which he had many partisans, and was therefore likely to hear of it,) citing him to appear in person before the Pope, within three months from the date of the citation, there to answer for his conduct.

Ibid. p. 118. Another letter of the same Pope, in the same year, relating to Wiclif, in which he says, "Wherefore we will and command you to take especial care that our beloved son in Christ, Edward, king of England, and our beloved sons the children of the said king, and our beloved daughter the princess of Aquitain and Wales, and the other nobles of England, be informed and instructed by you, and others who are skilled in the holy Scriptures, and not polluted with these errors, what a disgrace will arise to the devoted realm of England therefrom; and that not only are these conclusions erroneous in faith, but, if they be rightly understood, *threaten to destroy all government and subordination:* and charge them strictly, as Catholic princes, that, for the reverence which they bear to God and the apostolic see,—yea, as they value their own merit in the sight of God, and honour in the world, they use their utmost endeavours for the extirpation of these monstrous errors."

WILK. iii. p. 123.—*Conclusions of Master John Wiclif*, A.D. 1377.

C. i. The whole human race agreeing together, without Christ, hath not the power of simply ordaining that Peter and all his successors should bear rule politically over the world.

C. ii. God could not give to any man, for himself and his heirs, perpetual civil dominion.

C. iv. Every man who is in a state of grace, "*gratificè et fidelitèr*," hath no longer any law, but possesses, in effect, all the things of God.

C. vi. If there be a God, temporal lords may lawfully and meritoriously take away the goods of fortune from a delinquent church.

C. vii. Whether the church be in such a state or not, it is not for me to decide; it is for temporal lords to examine, and when the case is made out, to act with decision, and to take away the temporal (*possessions of the church*), on pain of their own eternal damnation.

C. viii. We know it to be impossible for the vicar of Christ, merely by his bulls, to authorize or deprive any man (*quenquam habilitet vel inhabilitet*).

C. ix. A man cannot be excommunicated, unless he be first and principally excommunicated by himself.

C. xv. We ought to believe that (*the Pope*) then only binds and looses, when he conforms himself to the law of Christ.

C. xvi. This ought to be universally (*catholicè*) believed, that every priest, rightly ordained, hath a sufficient power to administer any of the sacraments, and consequently to absolve any one, who is contrite, from any sin whatsoever.

C. xviii. Whether temporal lords, or holy Popes, or the saints, *or the head of the church, which is Christ*, have endowed the church with her possessions, and excommunicated all who shall deprive her of them, it may be, nevertheless, lawful to despoil her of them for an adequate offence,—this condition being implied.

C. xix. An ecclesiastic, yea, the very Pope of Rome, may be lawfully rebuked, and even accused by his subjects or by laymen.

IBID. p. 123. *Citation to Wiclif*, to appear before the archbishop in St. Paul's cathedral, London, there to defend himself from the charge of heresy, A.D. 1377. This document takes notice of the progress which his opinions had already made in England.

IBID. p. 152, A.D. 1381. Denunciation of archbishop Sudbury against John Balle, a man who usurped the office of preaching without having been properly ordained, although he pretended that he was a presbyter. "Our predecessor archbishop Islep publicly excommunicated the said vagabond John Balle, on account of the errors and schisms which he disseminated; several of our suffragans as well as ourselves have also excommunicated him; from which sentences he hath never obtained, or cared to obtain, the benefit of absolution; yet now, like a fox which hath escaped the snares of

his pursuers, he comes into our diocese, preaching, sometimes in churches and churchyards, contrary to the will of the incumbents, and at other times in public markets and other profane places; gratifying the ears of the populace by his scurrilous abuse. He also presumes not only to utter scandals against ourselves and the other prelates, but even to raise his voice against heaven, and speak evil of the supreme pontiff himself; with many other errors, schisms, and dogmas, which savour of heretical pravity." The letter concludes with a solemn denunciation of John Balle as an excommunicate person; and the archbishop also warns the laity, on pain of incurring the greater excommunication, not to attend his preaching, or countenance him in any way. In the course of the same year, archbishop Sudbury was murdered by Wat Tyler's mob, beheaded, and his head publicly exposed upon London Bridge, A.D. 1381.

WILK. iii. p. 156. Authority granted by king Richard II. to the archbishops and bishops to arrest and imprison all who should preach heresy, or maintain opinions which had been condemned, A.D. 1382.

IBID. p. 157. *In the Process of archbishop Courtney against heretics*, A.D. 1382, the following propositions or conclusions of the followers of Wiclif were condemned as erroneous and heretical.

1, 2, 3. That in the sacrament of the altar, the material substance of the bread and wine remains after consecration; that the accidents do not remain without their subject; and that Christ is not really and corporeally present in this sacrament.

4. That if a bishop or priest be in mortal sin, he cannot validly ordain, consecrate, or baptize.

5. That if a man be truly penitent, all outward confession is superfluous or useless.

6. There is no proof in the gospel that Christ instituted the mass.

7. *Item*, that God is bound to obey the devil.

8. That if the Pope be a reprobate and wicked man, and consequently a member of the devil, he hath no power over believers in Christ granted to him by any person, unless perhaps by Cæsar.

9. That after the death of Urban VI. (*the present Pope*) no person is to be acknowleged as Pope, but that we ought to live as the Greeks do, and be governed by our own laws.

10. That it is contrary to the holy Scriptures for churchmen to have temporal possessions.

¶ *The following Opinions are erroneous, though not absolutely heretical.*

11, 12, 13. That if a prelate excommunicate any man without first knowing him to be excommunicated by God, he is himself a heretic and an excommunicate: and that if he excommunicate a clerk who hath appealed to the king and the council of the kingdom, he is a traitor to God, the king, and the kingdom.

14. That those who neglect to hear the gospel preached on account of the excommunication of man, are excommunicated, and in the day of judgment will be esteemed traitors against God.

15. That any person, even a deacon or a priest, may preach the word of God without the authority of either the apostolic see or a catholic bishop.

16. That no person can be either a temporal lord, a bishop, or prelate, while he is in a state of mortal sin.

17. That temporal lords may, at their discretion, take away the property of ecclesiastics who are habitually delinquent: and that the populace may, at their discretion, correct their rulers when they misconduct themselves.

18. That tithes are *pure alms*, which the parishioners may withhold on account of the wickedness of their curates, or confer them upon others if they think fit.

19. That special prayers applied to one individual by the clergy do not profit that person a whit more than the general prayers (*of the church.*)

20. That immediately when a person enters a private monastery (*religionem*), he is rendered less able to obey the commands of God.

21. That the saints who instituted *private religions*, sinned in so doing.

22. That the religious who live in private religions do not belong to the christian religion.

23. That friars (*fratres*) are bound to seek a livelihood by the labour of their hands, and not by begging.

24. That those who confer alms upon the friars' preachers, and those who receive them, are both excommunicate.

WILK. iii. p. 158.—*Process of the Archbishop of Canterbury against heretics*, A. D. 1382.

He states in the commencement, that several unordained persons had usurped the office of preaching, and had propagated the most pernicious heresies; he therefore had assembled many doctors of divinity, professors of canon and civil law, and such of the clergy of his province as were most celebrated for their learning, and invited them to state their sentiments with respect to the conclusions or propositions which were thus maintained; and they unanimously pronounced them heretical and repugnant to the doctrines of the church. Afterwards, on the 20th day of June in the same year, Nicholas Hereford, and Philip Reppyngdon, canon regular, professors of the holy Scriptures, and John Asshton, Master of Arts and Scholar of Theology, personally appeared before the archbishop and many doctors of divinity, &c., to free themselves from the charge of heresy. The articles or conclusions to which they were expected to reply are the same as those published in the last extract; and they began by protesting that they were obedient sons of the church;

that they were ready to obey her decrees in all respects; and that if they erred in any particular, they humbly submitted themselves to the correction of the archbishop. After having answered all the propositions *seriatim*, they solemnly protested that they had never maintained such opinions, either in the schools or in their sermons. Their answers were not however considered satisfactory.

The reply to the 1st, 2nd, and 3rd articles (*on the transubstantiation of the bread*) was so evasive that they were required to explain themselves more fully, which they refused to do, saying that they were unable to give a better answer.

Being asked whether God owed any degree of obedience to the devil, they answered, Yea, the obedience of charity; because he loveth him and punisheth him, as he is bound to do.

They refused absolutely to answer whether they thought it lawful for friars to seek their livelihood by begging; on which the archbishop solemnly warned them, that if they still refused to give satisfactory replies, they should be considered as having pleaded guilty to the charges brought against them: and they were allowed eight days for consideration.

On the 27th day of June, when the inquiry was resumed, John Asshton, being warned to make answer in Latin, on account of the laity who were present, gave utterance in a loud voice to many frivolous and abusive expressions, with a view, as it appeared, to excite the populace against the archbishop, speaking in the English tongue; nor would he answer pertinently to the first conclusion, but made use of subterfuges, saying frequently and expressly, *as a layman would*, that it was sufficient for him to believe what the church believes. On being asked, whether after consecration the material bread remained particular or universal, he said that it was a thing above his reason, refusing to give any other answer; and when he was further pressed upon the subject, he ridiculed the archbishop, saying, "Put that word *material* in your purse, if you have one."

All this happened on Wednesday, June 27, and the archbishop adjourned the inquiry (*continuavit*) till the following Tuesday; but they none of them appeared, on which he pronounced them contumacious, and excommunicated them: and note that he calls himself "*Inquisitor hæreticæ pravitatis.*"

Wilk. iii. p. 166. Royal brief directed to the chancellor of the University of Oxford, A.D. 1382, commanding him to institute an inquiry respecting reputed heretics; and they, as well as all those who should presume to receive John Wycliff, or any of his partisans, into their houses, or to shew them any favour or countenance, were to be banished and expelled from the university and city of Oxford within seven days. All books which had been written by Wycliff, Hereford, &c., were to be sealed up and sent to the archbishop.

Ibid. p. 168, &c., A.D. 1382. The archbishop restored Lawrence Bedeman, Philip Reppyngdon, and John Asshton, to scholastic acts

in the University of Oxford, from which they had been suspended on account of the suspicion of heresy.

WILK. iii. p. 170.—*Process of the Chancellor of Oxford against heretics*, A.D. 1382.

William de Berton, chancellor of the University of Oxford, &c. We have heard with grief that some, filled with the inspiration of the evil spirit, with a design to rend the tunic of our Lord, *i.e.* to produce a schism in his church, have *renewed* certain heresies, *anciently and solemnly condemned by the church*, asserting, amongst other pestiferous dogmas, that in the sacrament of the altar, the substance of the bread and wine remains after consecration; and that Christ is not really and corporeally present therein, but only figuratively and tropically. We therefore convened many doctors of divinity, and professors of canon and civil law, and having solemnly and unanimously condemned the said opinions, the said condemnation was published in the schools of the Augustinians, while John (*Wycliff*) himself occupied the professor's chair and determined to the contrary. When he heard this condemnation he was confused, yet nevertheless said, that neither the chancellor nor any of his accomplices could change his opinion, shewing himself therein to be an obstinate heretic: and afterwards—which further proves his heresy and contumacy—he appealed from the above condemnation of the chancellor, not to the Pope, or to a bishop, or to his ecclesiastical ordinary; but putting his trust, like a heretic as he is, in the secular power for the defence of his error and heresy, he appealed to king Richard; that so he might be protected by the regal authority from the punishment threatened by the ecclesiastical power. After the appeal, there came to Oxford the illustrious duke of Lancaster, and forbad the said John to speak any more upon this subject; but he nevertheless immediately afterwards published a confession, containing all his heresies, though much disguised by his mode of expressing himself.

IBID. p. 171. Letter from twelve judges of the University of Oxford to the synod of the clergy of Canterbury, concerning the books of John Wycliff, A.D. 1382. They complain that he had imitated Arius and other heretics in having recourse to the civil power; that, adhering to the naked letter, he gloried in departing from the spiritual interpretations of the fathers; and that he had already sown so many tares in the Lord's harvest, and had infected such multitudes with his heresy, that nothing but the most vigorous measures would suffice to remedy the evil.

IBID. p. 176. Mandate of the archbishop that prayer should be offered up on behalf of the bishop of Norwich, who was going to head a kind of crusade against the rebellious and heretical cardinals. A.D. 1383.

IBID. p. 183. Monition of the archbishop of Canterbury, A.D. 1383, against any who should presume to teach the condemned propositions in their sermon.

Wilk. iii. p. 202. Mandate of the bishop of Worcester, A.D. 1387, prohibiting the Lollards from preaching in his diocese, in which he says: "With much clamour have the children of antichrist (doomed to everlasting damnation), and *the followers of Mahomet*, through the instigation of the devil, conspired and confederated themselves together in an unlawful assembly, *under the denomination of Lollards;* and masters Nicholas Hereford, John Asshton, John Perney, &c. led as it were by a certain frenzy, and mindless of their own salvation, under the cloke of piety, having poison under their lips, but a honied mouth, have sown tares instead of wheat in the field of the Lord."

Ibid. p. 204. Royal mandate to the mayor and bailiffs of the city of Nottingham, that all the works of Wycliff or any of his followers found there should be immediately transmitted to the privy council; and that no person should presume to buy or sell any of the said books, on pain of imprisonment and forfeiture. A.D. 1387.

Ibid. p. 208.—*Opinions of the Lollards condemned at Leicester*, A.D. 1389.

That in the sacrament of the altar, after the words of consecration, the body of Christ remains together with the substance of the bread.

That tithes ought not to be paid to rectors or vicars while they are in a state of mortal sin.

That images or crosses ought not to be worshipped in any way, or candles to be burned before them.

That masses and matins ought not to be celebrated in the church with a loud voice.

That a presbyter who is guilty of any unrepented sin cannot consecrate, hear confessions, or administer any sacraments.

That the Pope or bishops cannot excommunicate any man, unless they first know that he has been already excommunicated by God; and that they cannot grant indulgences.

That every layman may preach and teach the gospel everywhere.

That it is a sin to give anything to friars.

That oblations ought not to be made at the obsequies of the dead.

That it is not necessary to make confession to a priest; and that every pious man, although he be ignorant of letters, is a priest.

All these heresies have been publicly and notoriously taught in the city of Leicester and the neighbouring towns, to the utter subversion of the Catholic faith: and that the said Lollards, as they are vulgarly called, by being put to the blush, might be the more inclined to desire the favour of reconciliation, the said archbishop placed the city of Leicester, and all the churches therein, under an ecclesiastical interdict, while the said Lollards are in them, or in any of them.

Ibid. p. 210. Mandate of the archbishop to arrest and imprison some of the Lollards, A.D. 1389.

WILK. iii. p. 211. Mandate of the archbishop to the dean of Leicester, to reconcile to the church William Smyth, Roger Dexter, and Alice Dexter, who had renounced Lollardy and abjured all their heresies. On the first Sunday after their return, and before the procession in the collegiate church of St. Mary's, Leicester, they were to come thither, the men clothed only in their shirts and breeches (*braccis*), and the woman in her shift, with bare heads and feet. William Smyth was to carry in his right hand an image of St. Catharine, and Roger and Alice Dexter each a crucifix: in their left hands they were each to carry a wax candle of half-a-pound weight. Before the procession began they were ordered to make three genuflections before the images which they held in their hands, and having kissed them devoutly, to go with the procession into the church, where they were to stand with the said images and candles during the celebration of high mass, after which they were to offer an oblation to the celebrating priest. The first part of this mummery was also to be repeated on the following Saturday in the public market-place, A. D. 1389.

IBID. p. 220.—*Constitution of Archbishop Courtney*, A. D. 1393.

We also hear, that the parishioners of nine or ten churches, situate near to each other, and living under our special protection, separating themselves, as it were, from the sheep, and joining themselves to the goats, like heathens and publicans, will not allow the water-bearers to bring for their use holy water, which is the armour of christians, by which they may escape the fraud and deceit of devils and unclean spirits, and which, by a laudable custom, hath been hitherto carried throughout the entire of England by the water-bearing clerks (*clericos aquæbajulos*), with the permission of the parochial clergy, and at the expense of the parishioners; which water is indeed of such virtue, that the Lord pardons venial sins by this sprinkling, and exhibits to believers innumerable other miracles. To remedy which malice, we strictly enjoin the said parishioners that, within seven weeks from the date hereof, they provide honest and competent water-bearers, to be maintained at the expense of the parish, and approved by their rectors, on pain of excommunication and interdict.

IBID. p. 221.—*Conclusions of the Lollards, presented to Parliament*, A. D. 1394.

1. That when the church of England began to rave after temporalities, following the example of her stepmother the church of Rome, and as soon as churches were established by appropriations, faith, hope, and charity began to disappear in England; since pride, with her gloomy genealogy of mortal sins, usurped their place.

2. That our modern priesthood, which took its rise in Rome, feigning a power more exalted than that of angels, is not that priesthood which Christ appointed; because the said Romish priesthood

is conferred with various ceremonies, rites, and pontifical benedictions, which are but of little virtue, and for which there is no authority in the Bible. The corollary of this is, that it is a melancholy interlude for sensible men to see bishops playing with the Holy Ghost in the collation of orders.

3. That the law of priestly celibacy, which was originally ordained to the prejudice of the female sex, has introduced unnatural crimes into the holy church: for the delicate living of the clergy must have either its natural purgation, or one contrary to nature.

4. That the lying miracle of the sacramental bread leads almost all men to idolatry, for they believe the host to be the body of Christ, which never leaves heaven. The bread of the altar is, however, the body of Christ (*only*) habitually, as the evangelical doctor says in his *Trialogue;* and we believe that, by the law of God, any faithful man *or woman* might consecrate this sacrament of the bread without any such miracle.

5. That benedictions made over water, salt, oil, pilgrim's staves, &c., are more like the practices of sorcerers than divines; and that if the exorcism of holy water, which is read in the church, were true, it would be an excellent medicine for sores (*sorys*) of all descriptions, which is quite contrary to experience.

6. That the union between the civil and ecclesiastical power is unnatural and monstrous, like a hermaphrodite.

7. That as prayer proceeding from perfect charity excepts no person, the bequest of temporal possessions to priests or religious houses on condition of their offering up prayers for the founder, is little better than simony, and cannot but displease God; especially as many of the persons thus prayed for are condemned to eternal damnation. Also it hath been proved that a hundred alms-houses would be sufficient for the whole kingdom.

8. That pilgrimages, prayers, and oblations made to blind crucifixes or roods (*rodys*) are nearly akin to idolatry; and that the usual picture of the Trinity is very abominable. Also, that if the nails and the lance (used in the passion) were deserving of such high honour, the lips of Judas, if they could be procured, would be an excellent relic.

9. That *auricular confession*, which is said to be so necessary to salvation, together with the pretended power of absolution, augments the pride of the priesthood, and gives them an opportunity for secret conversation of a nature which we are unwilling to describe; for both gentlemen and ladies bear witness that, from a dread of their confessors, they dare not tell the truth; and the time of confession affords them an opportunity for making love, i. e. *for wooing* (*wowying*). Pretending to have the keys of heaven and hell, these persons will undertake to grant the *blessing of heaven*, regularly engrossed and sealed, for twelve pence. The corollary is, that the Pope, whom they feign to be the (*lord*) high treasurer of the church, having in his custody that excellent jewel the passion

of Christ, together with the merits of all the saints in glory, which enables him to grant indulgences both from sin and punishment, must have very little charity, because he might, if he pleased, liberate all who are imprisoned in hell so effectually, that they should never return thither.[z]

10. That homicide in war is expressly contrary to the New Testament, which teaches us to love our enemies, and not to slay them; and when men are fighting, after the first blow the bond of charity is broken: and we know, that he who dies without charity goes the direct road to hell.

11. That the vow of chastity made by frail women, has caused the introduction of the most execrable crimes which are possible to human nature; for although the murder of infants before they are baptized, and abortion procured by medicine, are disgraceful crimes, —tamen communicatio cum seipsis, vel irrationalibus bestiis, vel creaturâ non habente vitam, tali transcendit indignitate ut puniatur pœnis inferni.

12. Relates to the absurd mode of dressing at this period, "In *waste* curiositate et inter *disguising*." . . . . . And although these matters are here briefly noted down, they are more fully treated of in a book written in our own language.

¶ *Then follow these Leonine verses.*

"Plangunt Anglorum, gentes crimen Sodomorum
Paulus fert horum, sunt idola causa malorum
Surgunt ingrati, giezitæ Simone nati
Nomine prælati, hoc defensare parati
Qui reges estis, populis quicunque præestis
Qualiter his gestis, gladio prohibere potestis."

WILK. iii. p. 225.—*The oath administered to those who renounced Lollardy*, A.D. 1396.

I, William Dynot, before yow worshipfull fader and lord archbishop of Yhork and your clergie, with my fre will and full avysed, swere to God and to all his seyntes, upon this holy gospel, that fro this day forthward I shall worship ymages with praying and offeryng to them in the worschop of the seintes: and also I shall never moe despise pylgremage, ne states of holy chyrche in no degre. And also I shall be buxum to the lawes of holy chirche, and to yhowe as mine archbishop. And also I shall never more defend, ne meyntein, ne techen errors, ne swych techings that men clopith Lollards doctrin. And if I knowe ony Lollards, I shall, with all the haste that I maye, do yhowe or els your ner officers to wyten, and of ther bokes. . . . . And if it be so that I do agayn this othe, or ony party thereof, I yelde me here cowpable as an hereticke, to be punyshed by the lawe, and to forfeit al my godes to the kinges will.

[z] See p. 326, &c.

WILK. iii. p. 229.—*Conclusions of John Wycliff, of damnable memory,* A.D. 1396.

2. That as John the Baptist was figuratively, and not personally, Elias, so the bread is figuratively the body of Christ.

3. That in the chapter beginning "*Ego Berengarius,*" the court of Rome decided the eucharist to be naturally true bread.

4. That it is presumptuous and absurd to say, that infants dying without baptism will not be saved.

5. That the administering of the sacrament of confirmation is not reserved to bishops.

6. That at the time of Paul, two orders of the clergy were sufficient, viz. priests and deacons; nor was there then any distinction of popes, patriarchs, archbishops, and bishops.

8. That causes of divorce, founded upon consanguinity or affinity, are entirely of human appointment.

10. That popes, cardinals, archbishops, bishops, archdeacons, &c., are the proctors of antichrist.

12. That there is no greater heretic or antichrist than the clerk who teaches that it is lawful to endow priests, under the new law, with temporal possessions.

16. That since the justice of the ruler is essential to a true secular dominion, no person who is in a state of mortal sin can be the lord of any thing.

17. That all things which happen absolutely, happen necessarily.

IBID. p. 248.—*Conclusions renounced by John Becket, a converted Lollard,* A.D. 1400.

That subjects are not bound to obey kings or other secular princes, while they are in a state of mortal sin.

That the act of the flesh (*actus carnalis sive coïtus*) is lawful and permitted, and may be exercised without any peril to the soul or sin, even where no matrimony has been contracted according to the rites of the church.

That *dulia* or other reverence ought not to be paid to the cross, &c.

That, according to the law of God, presbyters, and others in holy orders, may marry without either danger or sin.

That it is lawful, and even meritorious, for religious persons, of whatever sex or order, to desert their order, and return to the world and marry.

He also taught boys, that there was no sin in their eating flesh on a Saturday.

IBID. p. 249.—*Article renounced among others by John Seynon,* A.D. 1400.

That the sacrament of the altar is merely sacramental bread without life, and that it was instituted only as a memorial of Christ's passion.

Note. In the last article, mention is made of "*the heretic lately burned in the city of London*," so that either Wilkins must be wrong in the date of this extract, or those mistaken who say that *Sawtre* was the first heretic who suffered.

WILK. iii. p. 252.—*Petition of the Clergy against Heretics*, A.D. 1400.

We humbly entreat that your majesty, following the steps of your illustrious predecessors, will provide an adequate remedy in the present parliament for the novelties and excesses of heretics; for the preservation of the Catholic faith, the maintenance of divine worship, and also for the safety of the constitution, rights, and liberties of the church of England: so that no person shall hereafter, under a heavy penalty, dare to preach, publicly or secretly, without the licence of the diocesan first obtained: and that if any person or persons, of whatsoever sex or condition, shall presume to preach, &c., contrary to the tenor of your majesty's inhibition, the bishop of the diocese may, in virtue thereof, cause them to be arrested and imprisoned, until they either canonically purge themselves from the accusation, or utterly abjure and renounce their heretical opinions. And if any person convicted of heresy shall refuse to abjure his errors, or if he shall relapse after abjuration, we pray that, after sentence pronounced by the diocesan, he may be delivered into the hands of some of your officers, specially appointed for that purpose, who shall inflict such further punishment as is incumbent upon them under the circumstances of the case, (*et ulterius agant quod eis incumbit in eâ parte*). *Also*, we pray that all heretical books or writings may be delivered into the hands of the diocesan within a stated time, and under a certain penalty to be appointed by the king.

¶ *The King's Answer.*

Which petition our lord the king hath granted with all their several articles, and with the consent of the nobles of his realm now assembled in parliament; to the effect, that if any person shall presume to act contrary to the provisions of this statute, the bishop of the diocese may, after his conviction, cause him to be detained in prison as long as he shall think fit, so that he may be punished in proportion to his crime. And, moreover, (except in cases in which, according to the canon law, he ought to be delivered over to the secular power,) the said person shall pay to our said lord the king a fine in money, the amount to be regulated at the discretion of the diocesan . . . . . And if the said person shall refuse to abjure his heresy, or if after such abjuration he shall be pronounced a *relapsed heretic*, so that, according to the canons, he ought to be left to the secular power; then shall the sheriff of the county, and the mayor and sheriffs, or the mayor and bailiffs of the city, town, or burgh which is nearest to the residence of the said bishop, *having heard sentence pronounced against the said heretic, receive him, and cause him to be burnt in some remarkable place, and in the presence of the*

people, that so his punishment may strike terror into the minds of others.

Wilk. iii. p. 255. In the same year, William Sawtre was tried for Lollardy, which he had formally abjured at Norwich a short time before, but into which he had relapsed. The following are among the heresies which he had maintained.

2, 3, 4. That he would rather worship a temporal king, the bodies of the saints, or a man who had truly confessed his sins and repented of them, than the cross upon which Christ had suffered.

Ans. My meaning is, that I will not worship the cross considered as a gross material substance: I am willing, however, to worship it with a vicarious adoration, as a memorial of Christ's passion.

5. That he is under a greater obligation to worship a man whom he knows to be predestinate, than any of the angels of God.

Ans. And so I am: because a man is of the same nature with the humanity of Christ, but not so the holy angels. I am, however, willing to worship both of them in conformity with the law of God.

6. That when a man hath made a vow to go on a pilgrimage, in order to procure health or any other temporal benefit, he is not bound to fulfil his vow; but may distribute the expenses as alms to the poor.

7. That a priest or a deacon is under greater obligation to preach the gospel, than to say the canonical hours.

Ans. With respect to pilgrimage, my meaning is, that he is not bound to fulfil his vow on pain of eternal damnation; and that he may distribute the expenses in alms *by the prudent advice of his superior:* and with respect to the canonical hours, I meant that the preaching of the gospel ought to be preferred by the primitive constitutions of the church.

8. That after the pronunciation of the sacramental words, the bread continues of the same nature as it was before, nor does it cease to be bread.

Ans. I affirm that, after the consecration of the sacrament of Christ's body, there remains the bread which we break, together with the body of Christ; nor does it cease to be bread *simpliciter*, but remains holy, true, and the bread of life; and I believe that it is the real body of Christ after the pronunciation of the sacramental words.

The archbishop then asked him, whether he was ready to abjure the opinions which he had before abjured in the presence of the bishop of Norwich? to which he replied, that he was not. The archbishop then proceeded to question him respecting the sacrament of the altar, but he still persisted in saying, that after consecration it continued to be real bread, and the same bread as before. The examination on the subject of the sacramental bread continued from about eight o'clock till eleven; and the said William obstinately refusing either to answer, or to receive instructions respecting the catholic doctrine, the archbishop commissioned Robert Hallum to

recite the following sentence: "In the Name of God. Amen. We Thomas, by divine permission archbishop of Canterbury, &c. . . . . pronounce, decree, and declare you to have been lawfully and judicially convicted of heresy, and sentence you to be punished as a heretic." He was accordingly degraded from his orders and burnt;[a] the first protestant martyr, according to the received opinion. It is worthy of remark, that when he was degraded and delivered over to the secular arm *for the purpose of being burnt*, the archbishop concluded the sentence with that hypocritical recommendation to mercy which makes the cruelty of inquisitors still more detestable, "Rogantes eandem curium (*secularem*) quatenus favorabiliter ipsum Willielmum velit habere recommissum." The following *humane* recommendation has been always used by modern inquisitors: "Le saint tribunal de l'Inqusition livre NN. a la justice seculière, la suppliant de les vouloir traitter avec misecrecorde, sans leur rompre ni os ni membre, ni tirer une goutte de sang."[b]

WILK. iii. p. 261.—*Articles maintained by John Purney, a priest,* A.D. 1400.

2. That oral or secret confession is a certain whispering (*auriculatio*) which destroys the liberty of the gospel; and has been lately introduced by the Pope and his clergy, to ensnare men's consciences into sin, and to draw their souls down to hell.

3. That every pious man, predestinated to everlasting life, although he be a layman, is truly a priest, ordained by God to minister all the sacraments necessary to man's salvation.

4. That such of the prelates and clergy as live wickedly have not the keys of the kingdom of heaven, but rather the keys of hell; nor ought a christian to value their censures more than the hissing of serpents. Yea, although the Pope should interdict the kingdom of England, he could not injure us, but would rather do us good, since by this means we should be relieved from the observance of his laws.

Note. Purney (more pliable than Sawtre) abjured all his opinions.

IBID. p. 271, A.D. 1402. John Seygno, another heretic who abjured, held that the Jewish Sabbath ought to be observed, and that we ought to abstain from the use of swine's flesh. It does not, however, appear that he believed in any of the peculiar doctrines of the Lollards.

IBID. p. 302.—*Testimonial of the University of Oxford in favour of Wycliff,* A.D. 1406.

To all the children of our holy mother the church, into whose hands the present letter shall come, the chancellor of the University of Oxford, and the unanimous assembly of masters, send greeting in the Lord. Whereas it is not fitting to pass over in proclaimed silence the praises and merits of worthy men, which ought to be perpetual

[a] See p. 118, &c.

[b] Calvinisme et Papisme, &c., vol. ii. p. 241.

in distant climes, to their honour, and for the example of others; and whereas human discretion hath, from a consideration of the cruelty of men, appointed this as a shield of defence against blasphemies and insults; hence it is that, possessing a special benevolence and tenderness for the memory of John Wycliff, once a member of our university, and professor of Sacred Theology, according to his deserts, we bear witness with our hearts and voices, and also in these presents, that his manner of life was laudable. His honesty of life, profound learning, and fair fame, we desire the more earnestly to make known to the faithful, inasmuch as his discreet conversation and literary diligence evidently redounded to the praise of God, the salvation of his neighbours, and the profit of the church. We therefore declare unto you, by these presents, that his conversation, from the very earliest years that he sojourned among us, till the period of his death, was excellent and virtuous, so much so, that he was free from all suspicion of reproach. In disputing, reading, preaching, and determining, he conducted himself laudably, as a valiant soldier of the faith, and by the words of holy Scripture confuted, in a catholic manner, all who blaspheme the religion of Christ by a spontaneous mendicity: nor was the said doctor convicted of heretical pravity, nor delivered by the heads of our university (*nostros prælatos*) to be burnt after his burial: God forbid that they should have condemned a man of such probity as a heretic,—a man who, among all those who belong to this university, has written on Logic, Philosophy, Theology, Ethics, and Speculative Theology, as we believe without an equal. In testimony of which we have caused these our letters testimonial to be sealed with our common seal. Dated at Oxford, in the house of our congregation, on this fifth day of the month of October, A.D. 1406.

Note. The genuineness of this document has been disputed, but the extract from *Wilk.* iii. 336, which will be found further on, A.D. 1411, proves that it existed about this time; that it was sealed with the seal of the University; and that the Lollards were then numerous at Oxford.

WILK. iii. p. 314, &c.—*Constitutions of Thomas Arundel, Archbishop of Canterbury, against the Lollards,* A.D. 1408.

Cap. I. Forbids any person, whether secular or regular, to preach in his province without the licence of the diocesan; unless he be authorized by the canon law, or specially privileged by the Pope. Parish priests and temporary curates were only simply to preach the things expressly contained in the constitution of archbishop Peckham.[c]

Cap. II. That no priest shall admit unlicenced persons to preach.

Cap. III. That preachers shall adapt their discourses to the circumstances of their auditory.

Cap. IV. Against those who shall perversely teach heretical doctrines.

[c] See p. 103, &c.

Cap. v. That schoolmasters shall not undertake to instruct their pupils concerning the sacrament of the altar, &c.

Cap. vi. That no person shall read any treatise of John Wycliff, until it has been examined by competent authority and approved.

Cap. vii. Whereas the translation of holy Scripture from one language into another is a perilous thing; since even the blessed Jerome, although he was inspired, confesses that he made frequent mistakes in so doing: we enact and ordain, that no person shall, by his own authority, translate any text of holy Scripture into English by way of book or treatise. Nor let any book, composed in the time of John Wycliff, be read either in whole or in part, under pain of the greater excommunication, till that version hath been approved by the bishop of the diocese, or, if necessary, by a provincial synod.

Cap. viii. ix. That no person shall assert conclusions contrary to faith or morality, or dispute concerning articles already determined by the church.

Cap. x. That strange chaplains shall not be allowed to officiate in our province, unless they exhibit their letters of orders, and bring letters commendatory from their bishops.

Cap. xi. That an inquiry be instituted every month in the University of Oxford, whether any of the students, &c. be infected with heresy.

Note. Violators of the above constitutions were, besides other punishments, to be incapable of obtaining any preferment in the province of Canterbury for three years.

Wilk. iii. p. 322. Mandate of the same archbishop, A.D. 1409, from which we learn that he had appointed twelve persons in the University of Oxford, who were to examine the writings of Wycliff, and to condemn any heretical conclusions which might be found therein; yet, that in defiance of this condemnation, the tenets of the Lollards were publicly defended in the schools by some whom he terms "*beardless boys.*"

Ibid. p. 328. Royal edict concerning the prosecution and burning of heretics, exhibited in the convocation, A.D. 1409. It is nearly the same as that in p. 335, except that it says of the Lollards, "they wickedly excite the people to sedition or insurrection as far as they are able."

Ibid. p. 336.—*Among the Gravamina of the Clergy*, A.D. 1411.

13..... Verily, the intolerable evil of disobedience prevails at this time more than usual in the church, because the University of Oxford, formerly the mother of virtues, the lamp of science, and a support of the catholic faith, now produces degenerate and abortive sons, who have taken deep root in this university and elsewhere, sowing the tares of heresy; by whom the fair fame of the said university is much blackened, the light of pure science is diminished, and an example of disobedience and rebellion is afforded to the

whole nation. *Certain forged letters also, being testimonials in defence of dissensions, heresies, and errors, are sent by these men into foreign parts, privily sealed with the common seal of the university, without consulting the masters and doctors,* to the great scandal of the whole kingdom of England, and especially of our mother church. Moreover, these children of disobedience, under pretence of certain privileges of exemption, are so much inflated with pride, that, despising the royal mandates and the episcopal jurisdiction, they fear neither God nor man.

Wilk. iii. p. 339, &c.—*Two hundred and sixty-seven heresies and errors, extracted from the writings of Wycliff, and condemned by the twelve inquisitors of the University of Oxford,* A.D. 1412.

1—5. The Pope cannot dispense with simony, being himself a great simoniac; he is moreover a heresiarch, since he authorises new orders against Christ. The Pope hath no decree in the work of the gospel, but is of human appointment; and if he have any order it is the order of devils. The Pope is that antichrist who is described in Scripture; for he is the devil's special proctor, and procures by his lies the perdition of the soul.

12. The Pope and cardinals were not appointed by our Lord, but introduced by the devil.

15. Though the Pope should issue bulls, let the faithful boldly commit them to the flames, as heretical and contrary to the faith.

22. The pretended power of the bishops took its rise at the same time as their heresy concerning the host; for our modern prelates are of the number of those of whom it is said, "*I will curse your blessings.*"

36. The four religious orders, like four humours, infect and mortify the body of the church.

49. Temporal lords ought to deprive churchmen of secular power.

70, 71. As Christ himself is both God and man, so the host is both the body of Christ and true bread; since it is the body of Christ *at least in a figure,* and true bread naturally. As also we read in Scripture, "*the seven oxen are seven years;*" and, "*the rock was Christ,*" so a Catholic saith that the sacramental bread is the Lord's body.

78, 79. That princes may lawfully deprive the church of its possessions, and apply them to their own use.

86. The apostles laboured with their hands, and received alms sparingly; from whence it appears that whatsoever clerk acts differently, he is to be esteemed a simoniac.

92. With regard to the consecration of places, it is said that the consecrating bishop receives *five marks;* but it would be a much lesser evil to celebrate in the open air than in a place thus consecrated; for a spiritual leprosy infects the walls, and God for a smaller fault overthrew Sodom and Gomorrah.

94. It doth not appear from the Bible, why a holy layman, or any priest, may not consecrate in the same manner.

95. Let the people take away tithes and oblations from the unworthy disciples of antichrist, since they are bound to do so by the law of God.

103. Of all the monsters that ever entered the church, these monstrous fraternities are the most seductive, and the farthest from the truth and from charity.

108. It is a probable conjecture, that every man who lives virtuously is a deacon or a priest.

109. It seemed superfluous to the holy doctors to appoint more than two degrees in the sacrament of orders, viz. deacons or levites, and presbyters or bishops.

113. As it does not follow that because Peter was called "*Satan,*" he was therefore the lowest of the apostles, so neither doth it follow that because it was said to him, "*To thee will I give the keys,*" &c. he was therefore constituted head of the church.

125. With respect to the oil with which bishops anoint, and the linen fillet (*peplum*) which is wound round the head, it appears to be a trifling ceremony: and that confirmation introduced without any apostolic precedent (*super apostolos*) is a blasphemy against God.

136. If corporal unction had been a sacrament, as is now pretended, Christ and his apostles would not have been silent respecting it.

141. As the clergy ought not to have secular power, but to be poor as Christ was, that clerk who, contrary to the law of God, obstinately retains temporal dominion, is an accursed heretic.

143, 145. That he is antichrist who denies that the clergy ought to be poor; and that no grants of temporal lords can justify them for possessing wealth.

147. What greater infidelity can there be than to approve of the election of cardinals, who are unquestionably *devils incarnate!*

149. As the influence of heaven is received more freely in the open air, so a religious prayer can enter heaven more freely when offered in the open air than in cloisters.

152. Since Christ did not institute universities or colleges, graduation in them appears to be a vain heathenish introduction.

159. God cannot annihilate any thing, or make the world greater or less: he can create only a certain number of souls, and no more.

160. No accident can be any thing *existens per se.*

169. In the eucharist there remains wine, the body as a subject, and the accident of bread, which I call a mathematical and abstract body; for as the substance of the bread was by nature a body before it was bread, so the same essence which was before bread remains a body under the same law of *general quiddity.*

171. Every being is everywhere, *since every being is God.*

172. God knows only himself, and yet knows all things: because a being cannot know that which he is not himself.

173. It is impossible for God to multiply a body in different places.

178. Neither the deposition of witnesses, nor the sentence of a judge, nor corporal possession, nor hereditary descent, nor human exchange or endowment, can confer dominion or property in any thing to a man who is without grace.

179. If God should confer upon a man a benefit of any description, immediately upon his abusing it, all just claim arising from God's gift ceases; and if that title should fail, there is no other which can have any validity.

182. Preeminent virtue in the king is the chief cause of his reigning civilly: for of itself it is a sufficient title to dominion according to the gospel; and also civilly, with the approbation of the people.

184. If a civil lord should treat his servant with a different measure from that with which he would desire to have it meted unto himself, he hath fallen from charity, and consequently from civil dominion; and therefore with respect to him the servant hath fallen from a state of civil servitude.

187. Unless the law of charity be within, no person can, on account of any bulls or charters, have any judicial authority, be it more or less.

190. A Catholic ought to believe, that neither the emperor, nor the universal church, *nor God* by his absolute power, could ordain that the Pope, as the successor of St. Peter, should in virtue thereof become the head, or a part of the church, whom we must necessarily obey.

192. It is lawful to practise, to learn, or to teach only the law of Christ; and whosoever shall practise any law which does not lead directly to happiness, by so doing makes himself liable to damnation.

196. From the doctrine of Christ, who commands his disciples to have all things in common, secular persons may understand how, without fearing the imputation of sacrilege, they may laudably minister the goods of those who have possessions to the poor.

202. Were the country to be depopulated even by barbarians, it would be far better to bear these injuries with humility, than to resist and overcome them manfully.

203. God does not wish any person to have civil dominion, or a civil jurisdiction.

212. Let us know the Lord's prayer, the decalogue, and the creed, with all things which conduce to the better understanding of them: all other human knowledge is not only superfluous, but hurtful.

213. Baptism obliterates every sin, original or actual, mortal or venial: with respect however to venial sins of *omission*, it is of no use.

215. All those who are in purgatory participate in the merits of the church militant in a proportion according to their capacity; so that he who dies with a greater degree of grace, participates the more, and will be the sooner liberated.

223. It does not follow that because every thing is God, God is any creature.

224. Anything is God. (*Quidlibet est Deus.*)

250. As God makes the futurition of the parts necessary, so he makes all the events contained in those parts necessary.

251. An infant who is reprobate (*præscitus*) and baptized, will necessarily live longer, and sin against the Holy Ghost, so as to deserve eternal damnation.

252. No elect person can sin mortally.

253. I assert as an article of faith, that all things which happen, happen necessarily: and so (*for example*) if Paul should be a reprobate, he cannot truly repent; *i.e.* he cannot by his contrition blot out the sin of final impenitence.

Note. The above were sent by archbishop Arundel to the Pope, with a request that he would solemnly condemn them as heretical, and also that, to the disgrace of the condemned author and his followers, Wiclif's bones might be taken from the grave and burnt.

WILK. iii. p. 358. Royal statute against the Lollards in the Norman French, A.D. 1414, similar in its provisions to that already given in p. 387. In this document it is said that the tendency of Lollardy is to "subvert and annul the christian faith, the law of God, and the kingdom itself; also to destroy our sovereign lord the king, all the estates of the said kingdom, whether spiritual or temporal, and finally every description of government, and the laws of the land."

IBID. p. 378. Constitution of archbishop Chicheley, A.D. 1416, to the effect that in all parishes suspected of Lollardy, three or more men of good report should swear, that if they heard of any heretics, secret conventicles, or suspected books in the English language, they would immediately give information thereof to the bishop of the diocese or his archdeacons.

IBID. p. 434, A.D. 1425. Robert Hoke, rector of Braybrook, in the diocese of Lincoln, was accused of Lollardy before the convocation. The following is one of the articles objected against him: "That for two years you have not worshipped the cross on Good Friday, as is customary with the faithful of the Church of England; and you approved of your parishioners continuing on their seats instead of worshipping it."

IBID. p. 511. *Bull of Pope Martin V.*, exhorting Christian princes to extirpate heretics, A.D. 1428. Also he exhorts all the faithful to engage in a crusade against the Hussites; granting extraordinary indulgences to all who should either take up arms on the occasion, or contribute towards its success.

IBID. p. 522. From the examination of one of the Lollards, A.D. 1433, it appears that they believed it unlawful to swear in any worldly business.

IBID. p. 576. Among other articles renounced by Reginald Peacock, a heretic, in A.D. 1457, were these: "That it is not necessary to believe that Christ descended into hell, or to believe in the Holy Ghost."

WILK. iii. p. 689. *Bull of Pope Leo X.* on the subject of Martin Luther's works, many of which had found their way into England, A.D. 1521. In this bull, notwithstanding his mandate that they should be committed to the flames, he grants permission to learned men to read them in order to detect and refute the errors and heresies therein contained.

IBID. p. 692.—*Some Errors of the pestiferous Martin Luther,* A.D. 1521.

6. Contrition, which consists of a detestation of sin, by which a person reviews his past life in the bitterness of his soul, pondering over the enormity of his sins, the loss of eternal happiness, and the judgment of eternal damnation; this contrition makes a hypocrite, and still more a sinner.

13, 14. If the person who confesses should not be contrite, or if the priest should absolve not in earnest but in jest, nevertheless, if he believes himself absolved, he is truly absolved; yea, although there should not be a priest, any christian, although it were a woman or a child, could absolve him.

16. If those who receive the eucharist believe that they will receive grace, this faith alone makes them pure and holy.

19. Indulgences are the pious frauds of the faithful.

26. The Pope, as successor of St. Peter, is not Christ's vicar.

28. It is not in the power of the church, or of the Pope, to institute articles of faith or rules of practice.

32, 33. A just man sins in every good work; and indeed his best work is but a venial sin.

35. To fight against the Turks is to resist God, who visits our iniquities by their means.

40. Souls in purgatory sin without intermission, seeking rest and shuddering at their punishment.

IBID. p. 693, &c. *Two bulls of Pope Leo X.* A.D. 1521, thanking king Henry VIII. for his book on the seven sacraments, written against Luther, and granting him the title of "*Defender of the Faith.*" The first is signed by twenty-seven cardinals besides the Pope.

IBID. p. 696, &c. *A proclamation of the king,* A.D. 1521, followed by the acts of the convocation, from which it appears that several English priests and monks had lately married.[d]

IBID. p. 698. A letter of the king to aid the bishop of Lincoln, A.D. 1521, who had at this time within his diocese "no small number of heritiques."

IBID. p. 706. *Mandate of archbishop Warham,* A.D. 1526, in which he complains that "some children of iniquity and partisans of the Lutheran faction had cunningly and deceitfully translated into the English tongue, not only the holy gospels, but the other parts of the New Testament; instilling pernicious and scandalous

[d] See here p. 147.

heresies into the minds of the simple, and profaning the hitherto unsullied majesty of the holy Scriptures by nefarious and distorted comments." All who possessed such translations are therefore enjoined, on pain of ecclesiastical censures, to deliver them to the diocesan within thirty days, that they might be committed to the flames.

Wilk. iii. p. 711. A licence granted in 1527, to Sir Thomas More; permitting him to have in his possession, and to read, books infected with the Lutheran heresy, in order that he might be prepared to engage in the controversy. It was written by Cuthbert, bishop of London.

Ibid. p. 713.—*Synod of Ely*, A.D. 1528.

That rectors and curates of the diocese of Ely shall on no account use in their churches the Bible according to the new translation, or suffer any of those who frequent their churches to use it.

Ibid. p. 719. In *the convocation*, A.D. 1529, a great number of books, the titles of which occupy a column and a half in folio, were denounced as heretical, several of which had very quaint titles: *ex. gr.* The Parable of the Unrighteous Mammon; the Revelation of Antichrist; Dialogue between the Father and the Son; the Burial of the Mass; the Practice of Prelates; the A B C to the Prelacy, &c.

Ibid. p. 729.—*Heretical Articles condemned by Archbishop Warham*, &c. A.D. 1530.

(*a*.) Feith oonly doth justifie us.

The lawe requireth impossible things of us.

The Spirit of God turneth us and our nature, that we doo good as naturally as a tree doth bring furth frute.

Criste in all his dedes did not deserve heven.

Laboring in good werkes to come to heven, thowe doist shame Cristes bloode.

All fleshe is in bondage to synne, and cannot avoide to synne contynually.

Thow cannot be dampned without Criste be dampned, nor Criste be saved without thow be saved.

The commaundements be given us not to doo them, but to knowe owr dampnation, and call for marcy to God.

There is noo warke better than another to please God; to make water, to wasshe dishes, to be a sowter and apostle.

To wasshe dishes and to preche is all oon, as towching the dede, to please God.

Beware of good entents, they are dampned of God.

Churches are for preching oonly; and to wurshipp God otherwise than to beleve that he is just and trewe to his promise, is to make God an idol.

Every man is lord of another mannis good.

I am bounde to love the Turk with the very bothome of my hart.

(*b*) That we are bounde to satisfy our neighbour, but not God.

God moved the hartis of the Egiptyans to hate the people.

All that be baptized becoom Criste himself.

The children of faith be under noo lawe.

There is noo dede so good but that lawe doth condempn it.

Noo man shuld serve God with good entent or zele, for it is pleyn idolytre.

(*c*) Criste toke away all lawes and makith us free; and moost of all he suppressyth all ceremonyes. Faith oonly doth justifie.

God byndith us to that which is impossible for us to accomplishe.

Criste offered up our iniquityes as a sacryfice to God.

The people of Criste doth nothing because it is commaunded, but because it is pleasaunte and acceptable unto them.

Criste ordeyned that there shulde be noo synne but unbeleve and infidelities, and noo justice but faith.

(*d*) We have as great right and asmoche to heven as Criste.

Yf we beleve that God hath promysed lyffe, it is impossible that we shulde perishe: for God by his promyse oweth us heven.

Where we synne we mynishe not the glory of God; and all the daunger of synne is the evil example.

All outward things are indifferent before God.

When our harts be ruled in God according to the gospel, all is oon what thinge soever we doo.

Feith without good werkes is noo feith.

Noo man is under the seculer power but they that be owte of the cristen estate, and owte of Goddis kingdome.

Criste saith, that noo cristen shall resiste evill, nor sue any man at the lawe.

A trewe cristen man never playneth to the judge of the injury that is doon unto hym.

Men of warre are not allowed by the gospell.

(*e, f, g*) have nothing remarkable in them.

(*h*) Chastitie is a gift of God, and therfor can noo mon nother promyse, nor vowe, nor kepe it.

Matrymonye is as golde, the spiritual estates as dung.

To say that a prest shuld not mary, is to say that a man shuld not be a man; and to kepe a yong man in cloyster to lyve chaste, is asmoche as to offer a child to Moloche.

If the one wolde be at one, and the other will not, the partye that wolde be reconciled may mary another, thoo the other be alyve.

Infants be holy and clene, thoo they have not received baptysme, because their parents be holy and clene.

Criste hath redemed and delyvered us from all synne and lawes, so that noo longer any lawe can bind us in conscience; all exterior things before God be free, and a cristen man may use them according to his appetite, other leving or taking.

Thow canst not perish or be dampned, whatsoever thing thou shalt owtwardly other do, or ells leve undoon.

Note. (*a*) I have employed to signify "*The Wicked Mammon;* a work of the time from which the extracts were made. (*b*) "*The Obedience of a Christen Man.*" (*c*) "*The Revelation of Anticriste.*" (*d*) "*The Sum of Scripture.*" (*e*) "*The Book of Beggers.*" (*f*) "*The Kalender of the Prymar.*" (*g*) "*The Prymar.*" (*h*) "*An Exposition into the sevenith chapitre of the firste Epistle to the Corinthians.*" Many of the articles are perfectly harmless:—against the merit of good works—merit *ex congruo* and *ex condigno; supererogation;* purgatory; the mass; pilgrimages; and other corruptions of popery.

Wilk. iii. p. 739. Among books prohibited, A.D. 1530, there are two, the titles of which savour of blasphemy, viz. "*The Old God and the New,*" and "*A Disputation between the Father and the Son.*"

Ibid. p. 741.—*Proclamation against printing English Translations of the Bible,* A.D. 1530.

And whereas report is made by many of our subjects, that it were to all men not only expedient but also necessary to have in the English tongue both the Old and New Testament, and that his highness, his nobles, and prelates were bounden to suffer them so to have it; his highness hath therefore semblably thereupon consulted with the said primates and other personages well learned in divinity; and by them all it is thought, that it is not necessary the said Scripture to be in the English tongue, and in the hands of the common people: and that, having respect to the malignity of this present time, with the inclination of the people to erroneous opinions, the translation of the Bible into the vulgar English should rather be the occasion of continuance or increase of errors among the said people, than any benefit or commodity to the weal of their souls.

Note. He says in the sequel, that he will probably cause a translation to be made, *if the people forsake their errors.*

Ibid. p. 836. Royal commission to the archbishop of Canterbury, A.D. 1538, for the coercion of Anabaptists, and the destruction of their books.

Ibid. p. 846.—*Royal Mandate for the Translation of the Bible,* A.D. 1539.

Henry the Eighth, &c. to all and singular printers and sellers of bookes within our realme, and to all other officers, mynisters, and subjectes, theise oure letters heryng or seyng gretyng. We late you witt that, beyng desirous to have our people at tymes convenyent geve themselfes to th' atteynyng of the knoulege of Goddes worde, whereby they shall the better honour hym, and observe and kepe his commaundements; and consideryng that as this oure zeale and desire cannot by any mean take so good an effect as by the graunting to theym the free and lyberall use of the Bible in oure oune maternall English tonge, &c.

Note. So much for the preamble: the object of his mandate was to prevent any English translations from being printed for the next five years, which had not been supervised by the lord Crumwell. In the same year (1539) an act was passed '*for abolishing diversity of opinions in certain Articles concerning Christian Religion.*' In this it was declared (1) That the body and blood of Christ is substantially present in the Eucharist under the accidents of bread and wine. (2) That communion in both kinds is not essential to salvation, the flesh and blood of Christ being together under each kind. (3) That priests might not marry by the law of God. (4) That vows of chastity ought to be observed by the law of God. (5) That private masses ought to be continued; and (6) That auricular confession was expedient and necessary, and ought to be retained by the church. Such in substance were the celebrated six Articles. Any one writing or preaching against the first, was to be judged a heretic and burnt without any abjuration, and to forfeit his real and personal estates to the king; or if he disputed against any of the other five he was to be judged a felon, and suffer death as such without benefit of clergy.[e]

Progress of the Reformation.

Note. In order to make my work more complete, by bringing it down to the era of the Reformation, I shall now transcribe a few extracts which I have made from certain documents, published in the reign of King Edward VI. They are extremely interesting, because they shew the gradual development of Gospel truth, and clearly exhibit the state of the church at that remarkable period.

INJUNCTIONS given by King Edward VI. A.D. 1547.—*Item.* That such images as they (the clergy) know to have been abused with pilgrimages, or offering of any thing made thereto, or shall be hereafter censed unto; they, and none other private persons, shall take down and destroy the same; and shall suffer from henceforth no torches or candles, tapers or images of wax, to be set before any image or picture, *but only two lights upon the High Altar before the Sacrament, for the signification that Christ is the true light of the world.*

Item. That they shall provide within three months one book of the whole Bible, of the largest volume, in English, and within one twelvemonth the Paraphrasis of Erasmus upon the Gospels, and the same set up in some convenient place within the said church, whereat their parishioners may most commodiously resort to read the same.

Item. That they shall, in confessions, every Lent, examine every person that cometh to confession, whether they can recite the articles of their faith, the *Pater Noster*, and the Ten Commandments in English.

Item. Because the goods of the church are called the goods of the poor, and at these days nothing is less seen than the poor to be sustained by the same, all parsons, &c. *not being resident upon their benefices*, which may dispend yearly £20 or above, shall distribute hereafter among their poor parishioners the *fortieth part* of the

[e] 31 Hen. VIII. c. 14.

fruits and revenues of the said benefices . . . and every parson, &c., having yearly to dispend £100, shall give competent exhibition for *one* scholar, (*and so on in proportion*) in the universities, or some grammar school; which, after they have profited in good learning, may be partners of their patron's cure and charge.

Note. The *fifth* part of their benefices was to be employed in the repairing of the mansions or chancels of their churches when in decay.

Item. In the time of high mass, within every church, he that sayeth or singeth the same, shall read or cause to be read the Epistle and Gospel of that mass *in English*, in the pulpit, or in such convenient place as the people may hear the same.

Also, By reason of fond courtysie, and challenging of places in processions, they shall not from henceforth at any time use any procession about the church or churchyard; but immediately before high mass, the priests, with others of the quire, shall kneel in the midst of the church, and sing or say plainly the Litany which is set forth in English, with all the suffrages following.

Note. Among superstitious observances, mention is made of a man's "casting holy water upon his bed, upon images, and other dead things, and bearing about him *holy bread* or *St. John's Gospel;* the making of crosses of wood upon Palm Sunday in time of reading of the Passion, or the keeping of private holidays, as bakers, brewers, &c., or ringing with holy bells, or blessing with the holy candle, to the intent to be discharged thereby of the burthen of sin, or to drive away devils, or to put away dreams and phantasies."

In the form of Bidding the Prayers (or Bidding the Beads), we read—"*Thirdly*, ye shall pray for all them that be departed out of this world in the faith of Christ, that they with us and we with them at the day of judgment may rest both body and soul with Abraham, Isaac, and Jacob, in the kingdom of heaven."

Cranmer's *Articles of Visitation for the Diocese of Canterbury*, 2 Edw. 6. (A.D. 1548):—

First. Whether parsons, &c. have, four times in the year at least, preached against the usurped power, pretended authority, and jurisdiction of the bishop of Rome, and declared that the king's majesty's power, authority, and preeminence within his realms is the highest power under God?

Item. Whether they have discouraged the reading of the Bible, or counselled their parishioners to pray in Latin?

Item. Whether every Sunday and holiday at matins they have read plainly and distinctly in the same place one chapter of the New Testament in English immediately after the lessons, and at evensong, after the *Magnificat*, one chapter of the Old Testament?

Item. Whether they have not at matins omitted three lessons, when nine should have been read in the church, and at evensong the responds with all the memories?

Item. Whether they have of their own the New Testament both in Latin and English, with the Paraphrase of Erasmus.

Item. Whether they have not put out of their church-books this word, PAPA, and the name and service of *Thomas-à-Becket,* and prayers having rubrics containing pardons and indulgences? &c.

Item. Whether they have openly admonished their parishioners not to wear beads or to pray with them?

Item. Whether they hallowed or delivered to the people any candles upon *Candlemas-day*, ashes upon *Ash-Wednesday*, or palms upon *Palm Sunday;* whether they had upon *Good Friday* the sepulchres with their lights, having the Sacrament therein; whether they, upon *Easter-even* last past, hallowed the font, fire, or paschal; or had any paschal set up or burning in their churches?

Item. Whether they do contemn *married priests*, and will not receive the Communion or other sacraments at their hands?

THE ORDER OF COMMUNION set forth 1548:—

In the EXHORTATION, after the words "*scruple and doubtfulness:*" "Requiring such as shall be satisfied with a general confession not to be offended with those who do use to their further satisfying the auricular and secret confession to the priest," &c.

Note. The Elements were still to be consecrated in Latin according to the old form. The laity were permitted to receive under both kinds, but the priest was ordered to mix water with the wine. The Prefaces or consecration prayer were not published in this order; but in other respects it was nearly the same as at present. The chief differences are—

1. After the exhortation to the penitent to "*draw near in faith and receive,*" &c. there is an exhortation to the wicked and impenitent to leave the church.

2. The Absolution begins thus: "*Our blessed Lord, who hath left power to his church to absolve penitent sinners from their sins, &c. have mercy upon you, &c.*

3. A singular distinction in the form of administering the Elements:—"*The Body of our Lord Jesus Christ preserve thy* BODY *unto,*" &c., and "*The Blood of our Lord Jesus Christ preserve thy* SOUL *unto everlasting life.*"

4. It concludes with the following rubric: N. That the bread that is consecrated shall be such as is heretofore accustomed; and every of the said breads shall be broken into two pieces at the least: and men must not think less to be received in part than in the whole, *but in each of them the whole body of our Saviour.*

☞ These few specimens may perhaps tempt the industrious reader to consult the many valuable documents contained in Sparrow's '*Collection,*' and the fourth volume of Wilkins' '*Concilia,*' clearly exhibiting the progress of the Reformation, but which the narrow limits of my work have obliged me to leave almost untouched.

Library of the
Gen'l Theol. Seminary
from the S. P. G.

INDEX.

March 1870.

N.B. An asterisk (*) coming before a word in this Index signifies that an entire chapter or section of the work has been appropriated to that subject, which the reader will find by referring to the table of chapters, &c. or the introductions. The names of vestments or liturgical books are not included in this Index, having been alphabetically explained pp. 249, &c. 255, &c. *to which the reader is referred.*

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